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VOLUME 18 NUMBER 232

Washington, Saturday, November 28, 1953

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, § 6.310 (1) (3) is amended and subparagraph (12) is added to § 6.310 (1)

§ 6.310 *Department of the Interior*

- ***
- (1) *Office of Territories.* * * *
- (3) Assistant Director (Alaskan Affairs) and Assistant Director (Insular Affairs) * * *
- (12) Deputy Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-10950; Filed, Nov. 27, 1953; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO 10-A 18]

PART 903—MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as

such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held; and

(4) The necessary expenses of the market administrator for maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 2½

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cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to each hundredweight of (i) milk received from producers, (ii) Grade A other source milk (except milk subject to the Class I pricing provisions of another order issued pursuant to the act) allocated to Class I, or (iii) skim milk or butterfat distributed as Class I milk in the marketing area from a non-pool plant.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than December 1, 1953. Any delay beyond that date in the effective date of this order would unnecessarily postpone needed changes in the provisions of the order.

The provisions of the said order are well known to handlers. The recommended decision containing all important amendment provisions of this order was published in the FEDERAL REGISTER November 3, 1953 (18 F. R. 6943). The decision of the Secretary concerning the proposed amendments was issued November 20, 1953. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause

exists for making this order effective December 1, 1953. (Sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the St. Louis, Missouri, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 903.87 (b) and substitute therefor the following:

(b) Received at a pool plant as Grade A other source milk (except milk subject to the Class I pricing provisions of another order issued pursuant to the act) and allocated to Class I, or.

2. Delete § 903.45 (a) (4) and substitute therefor the following:

(4) Subtract from the pounds of skim milk remaining in Class II milk an amount equal to such remainder, or the product obtained by multiplying by 0.05 the pounds of skim milk in approved milk received at plants qualified pursuant to § 903.10 (a), from (i) producers and (ii) plants qualified pursuant to § 903.10 (b) or (c), whichever is less;

3. Delete § 903.41 (b) (3) and substitute therefor the following:

(3) In shrinkage not to exceed an amount calculated (except with respect to milk diverted to a non-pool plant pursuant to § 903.7) as follows:

(i) 0.5 percent of milk received from dairy farmers and disposed of as whole milk in bulk tank lots;

(ii) 1.5 percent of the skim milk or butterfat received as other source milk (except milk received from dairy farmers) or as bulk tank lots of approved whole milk and disposed of in a form other than bulk tank lots of whole milk:

Provided, That any disposition of whole milk in bulk tank lots shall be assigned first to receipts of milk in such form; and

(iii) 2.0 percent of milk received from dairy farmers and disposed of in a form other than bulk tank lots of whole milk:

Provided, That shrinkage of skim milk and butterfat not in excess of the percentages specified herein shall be assigned pro rata, pursuant to this subparagraph, to skim milk and butterfat, respectively, in approved milk and in other source milk.

4. In § 903.45 (a) (1) delete the word "producer" and substitute therefor the word "approved."

5. Delete § 903.45 (a) (3) and substitute therefor the following:

(3) Subtract from the pounds of skim milk remaining in Class II milk the remaining pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided,* That skim milk so subtracted from Class II shall not result in the assignment of more skim milk in approved milk to Class I in a plant which is permitted to receive and bottle Grade A and non-Grade A milk than is contained in the Grade A other source and approved milk received at such plant: *And provided further* That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

6. Delete § 903.52 and substitute therefor the following:

§ 903.52 *Location differentials to handlers.* With respect to skim milk and butterfat contained in milk received from producers at a pool plant in Meramec or Bonhomme townships, St. Louis County, Missouri (except in the cities of Valley Park and Kirkwood) or outside the marketing area, which is classified as Class I milk, the price per hundredweight shall be reduced by the amounts set forth in the following schedule according to the airline distance from the plant where the milk is received from producers, or the plant from which the milk is diverted, to the City Hall in St. Louis:

Mileage:	Allowance (cents)
Not more than 10 miles	6
More than 10 but not more than 20 miles	12
More than 20 but not more than 30 miles	14
More than 30 but not more than 40 miles	16
For each additional 10 miles or fraction thereof an additional	1

Provided, That for the purpose of calculating such location differential with respect to milk transferred between pool plants, the Class II approved milk remaining in the transferee plant (except skim milk or butterfat in such plant which was subtracted pursuant to § 903.45 (a) (1) (2) and (b)) after deducting therefrom the amount of such milk or an amount equivalent to 0.05 times the producer milk at such plant, whichever is less, shall be assigned to approved milk from other plants in

sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential, and then to producer milk. (Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective on and after December 1, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10007; Filed, Nov. 27, 1953;
8:58 a. m.]

PART 904—MILK IN THE GREATER BOSTON MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73rd Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601, et seq.) hereinafter referred to as the "act" and of the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

1. For the month of December 1953, all the provisions of § 904.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "§ 904.48 *Computation of New England basic Class I price*. The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section." and the words "Class I price" and the figure "\$5.65" as they appear in paragraph (e) thereof.

2. For the month of January 1954, all the provisions of paragraph (c) of § 904.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08"

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the suspension actions for the month of December and January must be taken simultaneously because the purpose thereof is to provide compensating adjustments in the prices which would otherwise obtain during these months; and (3) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, (1) That the following provisions of the order be and they are hereby suspended for the month of December 1953:

All of § 904.48 except the following: "§ 904.48 *Computation of New England basic Class I price*. The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section." and the words "Class I price" and the figure "\$5.65" as they appear in paragraph (e) thereof.

(2) That the following provisions of the order be and they are hereby suspended for the month of January 1954. All of paragraph (c) of § 904.48 except the following: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed." and the figure "1.08." (Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective immediately.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10002; Filed, Nov. 27, 1953;
8:56 a. m.]

[Navel Orange Reg. 6]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.306 *Naval Orange Regulation 6*—(a) *Findings*. (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638) regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee

held an open meeting on November 25, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 29, 1953, and ending at 12:01 a. m., P. s. t., December 6, 1953, is hereby fixed as follows:

- (i) District 1. 1,400 carloads;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 140 carloads;
- (iv) District 4. Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of November 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Marketing
Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Nov. 29 to 12:01 a. m.,
P. s. t., Dec. 6, 1953]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.0155
A. F. G. Porterville	2.5450
Ivanhoe Cooperative Association	.7130
Anderson Packing Co.	1.3921
Euclid Avenue Orange Association	.8915
Lindsay Mutual Groves	1.7576
Martin Ranch	1.4848
Orange Cove Orange Growers	2.7607
Woodlake Packing House	1.9690
Dofflemeyer & Son, W. Todd	.5207
Earlbest Orange Association	1.0172
Elderwood Citrus Association	.7400

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Exeter Citrus Association	3.5026
Exeter Orange Growers Association	1.4626
Exeter Orchards Association	1.5154
Hillside Packing Association	1.4293
Ivanhoe Mutual Orange Association	1.1679
Klink Citrus Association	4.2126
Lemon Cove Citrus Association	.8772
Lindsay Citrus Growers Association	2.4251
Lindsay Cooperative Association	1.4538
Lindsay Fruit Association	2.4188
Lindsay Orange Growers Association	.8330
Naranja Packing House Co.	1.3214
Orange Cove Citrus Association	3.6472
Orange Packing Co.	.9569
Orosi Foothill Citrus Association	1.4630
Paloma Citrus Fruit Association	.8250
Rocky Hill Citrus Association	1.4489
Sanger Citrus Association	3.0917
Sequoia Citrus Association	.8414
Stark Packing Co.	2.7819
Visalia Citrus Association	2.0778
Waddell & Son	2.5956
Baird Nece Corp.	2.0516
Beattie Association, D. A.	.5075
Grand View Heights Citrus Association	3.2851
Magnolia Citrus Association	2.6143
Porterville Citrus Association, The	1.6651
Randolph Marketing Co.	2.0085
Richgrove-Jasmine Citrus Association	1.2467
Strathmore Cooperative Citrus Association	1.0442
Strathmore District Orange Association	1.7719
Strathmore Fruit Association	.0000
Strathmore Packing House Co.	2.2711
Sunflower Citrus Growers	2.3578
Sunland Packing House Co.	2.9457
Terra Bella Citrus Association	1.3611
Tule River Citrus Association	.8700
Baker Ranch Packing House	.4657
Batkins, Jr., Fred A.	.0606
California Citrus Groves, Inc., Ltd.	2.8413
Darby, Fred J.	.0252
Dubendorf, John	.1359
Evans Bros. Packing Co.	.2717
Far West Produce Distributors	.0650
Foothill Packing Co.	.2804
Gluskin, Ludwig E.	.0131
Harding & Leggett	1.7391
Independent Growers, Inc.	.9605
Lo Bue Bros.	.7975
Maas, W. A.	.1238
Marks, W. & M.	.4479
McNees, Hubert K.	.0251
Morin, Carl W.	.0217
Orange Belt Fruit Distributors, Inc.	.3410
Paramount Citrus Association, Inc.	2.0433
Reimers, Don H.	.5095
Riverside Fruit Co.	.1980
Sequoia Cider Mill	.0179
Tashjian, John	.2386
Zaninovich Bros., Inc.	1.6060

PRORATE DISTRICT NO. 3

Total 100.0000

Consolidated Citrus Growers	11.2148
McKellips Citrus Co., Inc.	15.3033
Phoenix Citrus Packing Co.	2.2211
Pioneer Fruit Co.	13.9261
Arizona Citrus Growers	13.8614
Chandler Heights Citrus Growers	2.0803
Desert Citrus Growers	6.6647
Mesa Citrus Growers	21.5799
Tal 'Wi-Wi Ranches	2.6107
Yumeco Groves	6.7065
Yuma Mesa Fruit Growers Association	.9531

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 3—continued

Handler	Prorate base (percent)
Allen & Allen Citrus Packing Co.	0.6340
Clark & Sons Produce Co., J. H.	.3795
Commercial Citrus Co.	1.4233
Ishikawa, Paul	.0474
Leppla, Cecile	.0000
Leppla, Henry	.0000
Leppla, H. Lornin	3.7623
Maccharlori Fruit Co., James	2.7600
Potato House, The	.2034
Sunny Valley Citrus Packing Co.	1.0394
Valley Citrus Packing Co.	2.6179

[F. R. Doc. 53-10072; Filed, Nov. 27, 1953; 11:18 a. m.]

[Docket No. AO 71 A-23]

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

In F. R. Doc. 53-9640, appearing on page 5224 of the issue for Saturday, November 14, 1953, subparagraphs (1) (5) and (6) of § 927.0 (a) are corrected to read as follows:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(5) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(6) The order, as amended, and as hereby further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Done at Washington, D. C., this 24th day of November 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-9978; Filed, Nov. 27, 1953; 8:49 a. m.]

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 927.0 Findings and determinations. The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby

ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is hereby found and determined that good cause exists for making this order effective on December 1, 1953. This action is necessary in the public interest in order for the Class I-A price established for December to properly reflect economic conditions affecting the market supply and demand for milk in the marketing area. The provisions of the said amendatory order impose no obligations on regulated parties which are significantly different from those heretofore applicable and reasonable to be contemplated by such parties and such order will not require extensive preparation or substantial alteration in methods of operation for handlers. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or

shipping milk covered by this order amending the order, as amended, which is marketed within the New York metropolitan milk marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 927.40 (a) by adding at the end of the first sentence thereof the following proviso: "Provided, That the utilization percentage for the month of October 1953 used in making such computations shall be 60.5."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective December 1, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9997; Filed, Nov. 27, 1953;
8:55 a. m.]

[Grapefruit Reg. 189]

PART 933—ORANGES, GRAPEFRUIT, AND
TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.649 *Grapefruit Regulation 189—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter pro-

vided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 30, 1953. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 30, 1953, the recommendation and supporting information for continued regulation subsequent to November 29 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 24, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., November 30, 1953, and ending at 12:01 a. m., e. s. t., December 21, 1953, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iv) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any seedless grapefruit, grown in the State of Florida, which are of a size

smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 2 or U. S. No. 2 Bright which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.750 of this title)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of November 1953.

[SEAL] S. R. SMITH,
*Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.*

[F. R. Doc. 53-10034; Filed, Nov. 27, 1953;
8:58 a. m.]

[Orange Reg. 245]

PART 933—ORANGES, GRAPEFRUIT, AND
TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.650 *Orange Regulation 245—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the

time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 30, 1953. Shipments of all oranges except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 30, 1953; the recommendation and supporting information for continued regulation subsequent to November 29 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 30, 1953, and ending at 12:01 a. m., e. s. t., December 21, 1953, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2 $\frac{1}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida oranges (§ 51.302 of this title). *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2 $\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lots which are of a size 2 $\frac{1}{16}$ inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," and "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.1140 of this title)

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647·18 F. R. 7380)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of November 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-10035; Filed, Nov. 27, 1953;
8:58 a. m.]

[Tangerine Reg. 141]

PART 933—ORANGES, GRAPEFRUIT, AND
TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.651 *Tangerine Regulation 141—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 30, 1953. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 30, 1953; the recommendation and supporting information for continued regulation subsequent to November 29 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 24, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions

and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 30, 1953, and ending at 12:01 a. m., e. s. t., December 21, 1953, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9 $\frac{1}{2}$ x 9 $\frac{1}{2}$ x 19 $\frac{1}{8}$ inches; capacity 1,726 cubic inches)

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (§ 51.1770 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of November 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-10036; Filed, Nov. 27, 1953;
8:58 a. m.]

PART 934—MILK IN THE LOWELL-LAW-
RENCE, MASSACHUSETTS, MARKETING
AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act" and of the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

1. For the month of December 1953, all the provisions of § 934.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "§ 934.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section.", and the words "Class I price" and the figure "\$5.65" as they appear in paragraph (e) thereof.

2. For the month of January, 1954, all the provisions of paragraph (c) of

§ 934.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed." and the figure "1.08"

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the suspension actions for the month of December and January must be taken simultaneously because the purpose thereof is to provide compensating adjustments in the prices which would otherwise obtain during these months; and (3) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, (1) That the following provisions of the order be and they are hereby suspended for the month of December 1953:

All of § 934.48 except the following: "§ 934.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section." and the words "Class I price" and the figure "\$5.65" as they appear in paragraph (e) thereof.

(2) That the following provisions of the order be and they are hereby suspended for the month of January 1954:

All of paragraph (c) of § 934.48 except the following: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08"

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective immediately.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10004; Filed, Nov. 27, 1953;
8:57 a. m.]

PART 947—MILK IN THE FALL RIVER,
MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.) hereinafter referred to as the "act" and of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts marketing area, hereinafter referred to as the

"order" it is hereby found and determined that:

1. For the month of December 1953, all the provisions of § 947.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "§ 947.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section." and the words "Class I price" and the figure "\$5.65" as they appear in paragraph (e) thereof.

2. For the month of January 1954, all the provisions of paragraph (c) of § 947.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08"

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the suspension actions for the month of December and January must be taken simultaneously because the purpose thereof is to provide compensating adjustments in the prices which would otherwise obtain during these months; and (3) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, (1) That the following provisions of the order be and they are hereby suspended for the month of December 1953:

All of § 947.48 except the following: "§ 947.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section." and the words "Class I price" and the figure "\$5.65" as they appear in paragraph (e) thereof.

(2) That the following provisions of the order be and they are hereby suspended for the month of January 1954.

All of paragraph (c) of § 947.48 except the following: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08"

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective immediately.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10003; Filed, Nov. 27, 1953;
8:56 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA
AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.620 *Lemon Regulation 513—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237-5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 24, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. S. T., November 29, 1953, and ending at 12:01 a. m., P. S. T., December 6, 1953, is hereby fixed as follows:

- (i) District 1: 35 carloads;
- (ii) District 2: 195 carloads;
- (iii) District 3: 20 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of November 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Nov. 22, 1953]

DISTRICT NO. 1

[12:01 a. m. Nov. 29, 1953, to 12:01 a. m. Dec. 13, 1953]

Handler	Prorate base (percent)
Total	100.000

Klink Citrus Association	28.257
Lemon Cove Association	13.895
Tulare County Lemon & Grapefruit Association	43.280
Harding & Leggett	3.343
Zaninovich Bros., Inc.	11.225

DISTRICT NO. 2

Total 100.000

American Fruit Growers, Inc., Corona	.103
American Fruit Growers, Inc., Fullerton	.294
American Fruit Growers, Inc., Upland	.369
Buenaventura Lemon Co.	1.476
Consolidated Lemon Co.	.521
Ventura Pacific Co.	3.465
Chula Vista Mutual Lemon Association	.467
Euclid Lemon Association	.269
Index Mutual Association	.043
La Verne Cooperative Citrus Association	1.663
Ventura Coastal Lemon Co.	2.955
Ventura County Orange & Lemon Association	2.860
Ventura Processors	.000
Glendora Lemon Growers Association	1.137
La Verne Lemon Association	.462
La Habra Citrus Association	.305
Yorba Linda Citrus Association	.336
Escondido Lemon Association	2.194
Cucamonga Mesa Growers	1.116
Etiwanda Citrus Fruit Association	.628
San Dimas Lemon Association	.373
Upland Lemon Growers Association	4.585
Central Lemon Association	.493
Irvine Citrus Association	.593
Placentia Mutual Orange Association	.585
Corona-Citrus Association	.137
Corona Foothill Lemon Co.	.929
Jameson Co.	.539
Arlington Heights Citrus Co.	.502
College Heights Orange & Lemon Association	3.741
Chula Vista Citrus Association	.743
Escondido Cooperative Citrus Association	.145
Fallbrook Citrus Association	1.009

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Lemon Grove Citrus Association	0.137
Carpinteria Lemon Association	4.283
Carpinteria Mutual Citrus Association	4.968
Goleta Lemon Association	5.730
Johnston Fruit Co.	7.851
Briggs Lemon Association	2.403
Fillmore Lemon Association	.453
Oxnard Citrus Association	5.311
Rancho Sespe	.507
San Fernando Heights Lemon Association	1.123
Santa Clara Lemon Association	5.291
Santa Paula Citrus Fruit Association	2.003
Saticoy Lemon Association	6.259
Seaboard Lemon Association	6.333
Somis Lemon Association	4.340
Ventura Citrus Association	1.580
Ventura County Citrus Association	.548
Limoneira Co.	3.429
Teague-McKevett Association	.695
East Whittier Citrus Association	.059
Murphy Ranch Co.	.305
North Whittier Heights Citrus Association	.057
Sierra Madre-Lamanda Citrus Association	.436
Dunning Ranch	.000
Far West Produce Distributors	.062
Paramount Citrus Association	.666
Santa Rosa Lemon Co.	.113

DISTRICT NO. 3

Total 100.000

Consolidated Citrus Growers	3.561
Phoenix Citrus Packing Co.	2.679
Pioneer Fruit Co.	3.934
Arizona Citrus Growers	46.478
Desert Citrus Growers Co.	11.820
Tempeco Groves	6.601
Arlington Heights Citrus Co.	4.675
James Macchiaroli Fruit Co.	1.072
Morris Brothers Fruit Co.	16.603
Mutual Citrus Products Co.	.000
Sunny Valley Citrus Packing Co.	2.577
Valley Citrus Packing Co.	.000

[F. R. Doc. 53-10051; Filed, Nov. 27, 1953; 8:59 a. m.]

PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.) hereinafter referred to as the "act" and of the order, as amended, regulating the handling of milk in the Springfield, Massachusetts marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

1. For the month of December 1953, all the provisions of § 996.48 of the order, except the following, do not tend to effectuate the declared policy of the act:

"§ 996.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section.", and the words "Class I price" and the figure "\$5.65" as they appear in paragraph (e) thereof,

2. For the month of January 1954, all the provisions of paragraph (c) of

§ 996.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08."

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the suspension actions for the months of December and January must be taken simultaneously because the purpose thereof is to provide compensating adjustments in the prices which would otherwise obtain during these months; and (3) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, (1) That the following provisions of the order be and they are hereby suspended for the month of December 1953:

All of § 996.48 except the following: "§ 996.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section." and the words "Class I price" and the figure "\$5.65" as they appear in paragraph (e) thereof.

(2) That the following provisions of the order be and they are hereby suspended for the month of January 1954.

All of paragraph (c) of § 996.48 except the following: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 603c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective immediately.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10005; Filed, Nov. 27, 1953; 8:57 a. m.]

PART 999—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.) hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Worcester, Massachusetts marketing area, hereinafter referred to as the

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders
[Public Land Order 928]

ALASKA

EXCLUDING CERTAIN TRACTS FROM THE CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, are hereby excluded from the Chugach and Tongass National Forests, Alaska, as hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461)

CHUGACH NATIONAL FOREST

U. S. Survey No. 2528, lot 1, 4.78 acres; latitude 60°28'23" N., longitude 149°21' W. (Homesite No. 150, Trail Lake Group).

U. S. Survey No. 2530, lot E., 2.94 acres; latitude 60°20'20" N., longitude 149°22' W. (Homesite No. 117, Primrose Group).

U. S. Survey No. 3143, unsurveyed, lot 4, 3.5 acres; latitude 60°24' N., longitude 149°22' W. (Homesite No. 120, Lawing Group).

TONGASS NATIONAL FOREST

Beginning at a point located on line 3-4 of U. S. Survey No. 280, approximate latitude 55°32'15" N., longitude 132°24' W., from which corner No. 4 bears S. 42° 30' E. 9.52 chains, thence N. 42° 30' W., 3.50 chains to corner No. 2, HS 1095; N. 47° 30' E., 3.00 chains to corner No. 3, HS 1095; S. 42° 30' E., 3.50 chains to corner No. 4, HS 1095; S. 47° 30' W., 3.00 chains to corner No. 1, HS 1095 to point of beginning. (Homesite No. 1095, 1.05 acres.)

NOVEMBER 23, 1953.

ORME LEWIS,

Assistant Secretary of the Interior

[F. R. Doc. 53-9970; Filed, Nov. 27, 1953;
6:48 a. m.]

TITLE 47—TELECOMMUNI- CATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

FM INTER-CITY RELAY STATIONS

The Commission having under consideration the desirability of making certain editorial changes in Part 2 of its rules and regulations; and

It appearing, that the Commission, on October 28, 1953, adopted a report and order in Docket 10647 which amended

Part 4 of the Commission's rules, in part, by changing the term "interim FM relay station" to "FM inter-city relay station"; and

It further appearing, that Part 2 of the Commission's rules, which contains definitions of various types of stations authorized by the Commission, was not amended concurrently to reflect the change in terminology; and

It further appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 15, 1952, as amended:

It is ordered, This 20th day of November 1953, that, effective immediately, Part 2 of the Commission's rules and regulations is revised as set forth below:

1. Amend Subpart A—Definitions, § 2.1 by deleting the definition "Interim FM relay station (FXM)" and inserting the following immediately after the definition for FM broadcasting station:

FM inter-city relay station (FXM) A fixed station used for the transmission of FM broadcasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees.

2. Amend Subpart B, § 2.101 *Station symbols* by changing "FXM—Interim FM relay station" to read "FXM—FM inter-city relay station"

3. Amend § 2.104 (a) (5) by changing footnote NG14 as it applies to the band 940-952 Mc to read as follows:

NG14 FM inter-city relay stations may be authorized to use the band 940-952 Mc on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 5, 68 Stat. 713, 47 U. S. C. 303, 155)

Released. November 23, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9993; Filed, Nov. 27, 1953;
8:54 a. m.]

"order" it is hereby found and determined that:

1. For the month of December 1953, all the provisions of § 999.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "§ 999.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section." and the words "Class I price" and the figure "\$5.65" as they appear in paragraph (e) thereof.

2. For the month of January 1954, all the provisions of paragraph (c) of § 999.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08"

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the suspension actions for the months of December and January must be taken simultaneously because the purpose thereof is to provide compensating adjustments in the prices which would otherwise obtain during these months; and (3) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, (1) That the following provisions of the order be and they are hereby suspended for the month of December 1953:

All of § 999.48 except the following: "§ 999.48 *Computation of New England basic Class I price.* The new England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section." and the words "Class I price" and the figure "\$5.65" as they appear in paragraph (e) thereof.

(2) That the following provisions of the order be and they are hereby suspended for the month of January 1954.

All of paragraph (c) of § 999.48 except the following: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed." and the figure "1.08." (Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective immediately.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10006; Filed, Nov. 27, 1953;
8:57 a. m.]

**PART 12—AMATEUR RADIO SERVICE
REVISION OF RULES**

Pursuant to authority contained in section 4 (i) 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of Secretary, dated February 14, 1952, as amended, the following editorial changes are made in Part 12, Rules Governing Amateur Radio Service:

1. The Table of Contents is amended to reflect changes in the text of Part 12 which were made since the last official printing of this Part on June 6, 1951.

2. Section 12.20 is amended by deletion of all reference to footnotes, and footnotes numbered 1, 2, 3, and 4 are deleted.

3. Section 12.21 (a), footnote 5 and the reference thereto are deleted.

4. Section 12.21 (b) is amended to read: "New Advanced Class amateur operator licenses will not be issued; however, Advanced Class (or Class A) licenses may continue to be renewed as set forth in § 12.27."

5. Section 12.27, renumber footnote 6 as footnote 1.

6. Section 12.42, delete paragraph concerning element 4 (A)

7. Section 12.43, delete present paragraph (b) and change paragraphs (c) (d) (e) and (f) to (b) (c) (d), and (e)

8. Section 12.46, delete present paragraph (b) and renumber paragraphs to read: (a) (b) (c) and (d)

9. Section 12.48, change paragraph (a) to read: "Code tests for sending and receiving are graded separately. Failure to pass the required code test for either sending or receiving will terminate the examination."

10. Section 12.48 (b) delete all reference to Element 4 (A) and in the last line add "a" before the words, "separate examination."

11. Section 12.67, amend by substituting for the first sentence of paragraph (a) the following: "Application for renewal of station license without modification shall be submitted on FCC Form 405-A. Applications on Form 405-A should not be accompanied by the applicant's license."

12. Section 12.67 (b), amend by adding the following introductory clause in the first sentence: "A renewal application which includes a modification (change of address) shall be submitted on FCC Form 610, and"

13. Section 12.69 is amended in accordance with amended § 1.402.

14. Section 12.70 (b) in second sentence of this paragraph delete the words, "be and", so that the phrase will read: "It shall require the licensee against whom it is directed to appear at a place and time therein named * * *"

15. Section 12.82 (e), in first sentence, 7th line, change the word "voyage" to "flight."

16. Section 12.111, redesignate paragraphs as (a) through (m) and indicate appropriate subparagraphs by 1, 2, 3, etc., make punctuation changes; delete footnote 7, and renumber footnote 8 as footnote 2.

17. Section 12.136, change first sentence to read: "Each licensee of an amateur station shall keep an accurate log of station operation which shall include the following:"

18. Section 12.155, in line 13 change "nor" to "or"

19. Appendix I, "Examination Points" page 1, paragraph 7, delete reference to Classes A and B examinations and substitute General Class therefor.

20. Appendix I, "Radio Districts" delete *District of Columbia* from district 4.

21. Appendix I, "Radio Districts", in district 4 opposite Maryland, delete counties, so that notation will read: "All except district 24."

22. Appendix I, "Radio Districts" in district 4 opposite *Virginia*, delete *Ar-*

lington, and insert after *Fairfax*, "except district 24."

23. Appendix I, "Radio Districts" in district 5 opposite *Virginia*, delete *district 4* and add *districts 4 and 24*.

24. Appendix I, "Radio Districts" in district 5, delete *New Post Office* and substitute *Federal* therefor.

25. Appendix I, "Radio Districts" in district 18, delete *1300* and substitute *826*.

26. Appendix I, "Radio Districts" in district 20, delete *Federal* and substitute *Post Office*.

27. Appendix I, "Radio Districts" in district 21, delete *609 Stangenwald Bldg.*, and substitute *502 Federal Bldg.* therefor.

28. Appendix I, "Radio Districts" add the following new entry:

Radio district	Address of the engineer in charge	States, etc.	Counties
24	104 Briggs Bldg., 23d and E Sts. N.W., Washington 25, D. C.	District of Columbia Maryland..... Virginia.....	Within 10 miles of the District of Columbia boundary. Dc.

29. Delete Extracts From Radio Regulations (Cairo revision) and footnotes 1 and 2.

30. Appendix 2, Extracts From Radio Regulations, delete footnote 3.

31. Appendix I, Examination Points, delete from the list of "Semiannual" examination points and add to the list of "Annual" examination points, the following: Bangor, Maine; Jamestown, N. Dak., Manchester, N. H., Marquette, Mich., and Tallahassee, Fla.

32. Appendix I, Examination Points, delete from the list of "Annual" examination points, the following: Cumberland, Md., Las Vegas, Nev., and Reno, Nev.

33. Appendix I, Examination Points, following the last paragraph (concerning Hawaii), add the following: "Canal Zone: By the Engineer in Charge, District 22 (San Juan, P. R.)"

34. Delete title, text, and footnotes of Appendix 3 and substitute new text.

35. Section 12.23, reference to footnote 5 is deleted.

36. Sections 12.27 (d) and (e) amend to read as follows:

(d) A renewal application which includes a modification (change of address or operator class) shall be submitted on FCC Form 610 and shall be accompanied by the applicant's amateur operator license, and also by his amateur station license if he holds one.

(e) Application for renewal of an amateur operator license without modification shall be submitted on FCC Form 405-A. Applications on Form 405-A should not be accompanied by the applicant's license

In view of the fact that the amendments adopted herein are editorial in nature, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments are effective immediately.

It is noted that since Part 12 was last published in the FEDERAL REGISTER (June 6, 1951) a large number of amendments

have been made thereto. Accordingly, for administrative convenience: *It is ordered*, That 20th day of November 1953, that, effective immediately, Part 12 of the Commission's Rules and Regulations is revised to include the foregoing editorial changes, and to include all outstanding amendments which became effective between June 6, 1951, and the date of this order.

FEDERAL COMMUNICATIONS
COMMISSION,
Wm. P. MASSING,
Acting Secretary.

NOTE: The revised Part 12 as published in this issue of the FEDERAL REGISTER will be available in the near future from the Superintendent of Documents, Washington 25, D. C.

**SUBPART A—AMATEUR RADIO STATIONS
AND OPERATORS**

Sec. 12.0	Basis and Purpose.
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12.2	Amateur operator.
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AMATEUR RADIO STATIONS

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APPENDICES

- 1—Examination points. Radio districts.
- 2—Extracts from Radio Regulations (Atlantic City, 1947).
- 3—Classification of emissions.
- 4—Convention between the United States of America and Canada.

AUTHORITY: §§ 12.0 to 12.257 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART A—AMATEUR RADIO STATIONS AND OPERATORS

§ 12.0 *Basis and purpose.* The rules and regulations in this part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.

(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communication and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio service of

trained operators, technicians, and electronics experts.

(e) Continuation and extension of the amateur's unique ability to enhance international good will.

DEFINITIONS

§ 12.1 *Amateur service.* The term "amateur service" means a radio service carried on by amateur stations.

§ 12.2 *Amateur operator.* The term "amateur operator" means a person interested in radio technique solely with a personal aim and without pecuniary interest, holding a valid license issued by the Federal Communications Commission authorizing him to operate licensed amateur stations.

§ 12.3 *Amateur station.* The term "amateur station" means a station used by an amateur operator, and it embraces all radio transmitting apparatus at a particular location used for amateur service and operated under a single instrument of authorization.

§ 12.4 *Amateur portable station.* The term "amateur portable station" means an amateur station that is so constructed that it may conveniently be moved about from place to place for communication, but which is not operated while in motion.

§ 12.5 *Amateur mobile station.* The term "amateur mobile station" means an amateur station that is so constructed that it may conveniently be transferred to or from a mobile-unit or from one such unit to another, and is ordinarily used while such mobile unit is in motion.

§ 12.6 *Amateur radio communication.* The term "amateur radio communication" means radio communication between amateur stations solely with a personal aim and without pecuniary interest.

§ 12.7 *Remote control.* The term "remote control" as applied to the amateur radio service, means control of transmitting equipment of an amateur station from an operating position other than one at which the transmitter is in view and immediately accessible; except that, direct mechanical control or direct electrical control by wired connections of an amateur transmitter from a point located on board any aircraft, vessel or vehicle on which such transmitter is located shall not be considered remote control within the meaning of this definition.

§ 12.9 *Antenna structure defined.* The term "antenna structure" includes the radiating system and its supporting structures.

§ 12.10 *Aircraft landing area defined.* An aircraft landing area means any locality, either on land or water, including airports and intermediate landing fields, which is used, or approved for use, for landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for the receiving or discharge of passengers or cargo.

AMATEUR OPERATORS
LICENSES, PRIVILEGES

§ 12.20 *Classes of amateur operator licenses.*

Amateur extra, class.
Advanced class (previously class A).
General class (previously class B).
Conditional class (previously class C).
Technician class.
Novice class.

§ 12.21 *Eligibility for license.* Persons are eligible to apply for the various classes of amateur operator licenses as follows:

(a) *Amateur extra class.* Any citizen of the United States who either (1) at any time prior to receipt of his application by the Commission has held for a period of two years or more a valid amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes, or (2) submits evidence of having held a valid amateur radio station or operator license issued by any agency of the United States Government during or prior to April, 1917.

(b) *Advanced class.* New Advanced Class amateur operator licenses will not be issued; however, Advanced Class (or Class A) licenses may continue to be renewed as set forth in § 12.27.

(c) *General class.* Any citizen of the United States.

(d) *Conditional class.* Any citizen of the United States whose actual residence and amateur station location are more than 125 miles air line distant from the nearest location at which examinations are held at intervals of not more than 3 months for General Class amateur operator license; or who is shown by physician's certificate to be unable to appear for examination because of protracted disability or who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(e) *Technician class.* Any citizen of the United States.

(f) *Novice class.* Any citizen of the United States except a former holder of an amateur license of any class issued by any agency of the United States government, military or civilian.

§ 12.22 *Application for amateur operator license.* The application for any new amateur operator license, including application for any change in operating privileges, shall be submitted in person or by mail to the district field office of the Commission at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for a license which is obtained upon successful completion of an examination by volunteer examiners under the special provisions of § 12.44 (c), the application shall be submitted to the district field office which supplied the examination material. Applications for renewal or modification of license, or for duplicate license, when no change

in operating privileges is involved, shall be filed directly with the Commission at its Washington 25, D. C. office.

§ 12.23 *Classes and privileges of amateur operator licenses—(a) Amateur extra class.* All authorized amateur privileges including such additional privileges in both communication and technical phases of the art which the Commission may consider as appropriately limited to holders of this class of license.

(b) *Advanced class.* All amateur privileges except those which may be reserved to holders of the Amateur Extra Class license.

(c) *General and Conditional classes.* All authorized amateur privileges.

(d) *Technician class.* All authorized amateur privileges in the amateur frequency bands above 220 megacycles.

(e) *Novice class.* Those amateur privileges as designated and limited as follows:

(1) The d. c. plate power input to the vacuum tube or tubes supplying power to the antenna shall not exceed 75 watts.

(2) Only the following frequency bands and types of emission may be used, and the emissions of the transmitter must be crystal-controlled:

(i) 3700 to 3750 kc, radiotelegraphy using only type A-1 emission in accordance with the geographical restrictions set forth in § 12.111.

(ii) 7175 to 7200 kc, radiotelegraphy using only type A-1 emission.

(iii) 21.10 to 21.25 Mc, radiotelegraphy using only type A-1 emission.

(iv) 145 to 147 Mc, radiotelegraphy or radiotelephony using any type of emission except pulsed emission and type B emission.

§ 12.25 *Availability of operator license.* The original operator license of each operator shall be kept in the personal possession of the operator while operating an amateur station. When operating an amateur station at a fixed location, however, the license may be posted in a conspicuous place in the room occupied by the operator. The license shall be available for inspection by any authorized Government official whenever the operator is operating an amateur station and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost or destroyed, and application has been made for a duplicate license in accordance with § 12.26. No recognition shall be accorded to any photocopy of an operator license; however, nothing in this section shall be construed to prohibit the photocopying for other purposes of any amateur radio operator license.

§ 12.26 *Duplicate license.* Any licensee applying for a duplicate license to replace an original which has been lost, mutilated, or destroyed, shall submit with the application the mutilated license or a statement setting forth the facts regarding the manner in which the original license was lost or destroyed. If, subsequent to receipt by the licensee of the duplicate license, the original license is found, either the duplicate or

the original license shall be returned immediately to the Commission.

§ 12.27 *Renewal of amateur operator license.*¹ (a) An amateur operator license except the Novice Class, may be renewed upon proper application in which it is stated that the applicant has lawfully accumulated, at an amateur station licensed by the Commission, a minimum total of either 2 hours operating time during the last 3 months or 5 hours operating time during the last 12 months of the license term. Such operating time, for the purpose of renewal, shall be counted as the total of all that time between the entries in the station log showing the beginning and end of transmissions as required in § 12.136 (a) both during single transmissions and during a sequence of transmissions. The application shall, in addition to the foregoing, include a statement that the applicant can send by hand key, i. e., straight key or any other type of hand operated key such as a semi-automatic or electronic key, and receive by ear, in plain language, messages in the International Morse Code at a speed of not less than that which is required in qualifying for an original license of the class being renewed.

(b) The Novice Class license will not be renewed.

(c) The applicant shall qualify for a new license by examination if the requirements of this section are not fulfilled.

(d) A renewal application which includes a modification (change of address or operator class) shall be submitted on FCC Form 610 and shall be accompanied by the applicant's amateur operator license, and also by his amateur station license if he holds one.

(e) Application for renewal of an amateur operator license without modification shall be submitted on FCC Form 405-A. Applications on Form 405-A should not be accompanied by the applicant's license. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 120 days of the license term or within a period of grace of one year after the expiration date of such license. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. In any case

¹ Until further order of the Commission, the showing that the applicant actually operated an amateur radio station or stations for the periods of time specified in § 12.27 will not be required in cases where it is shown that the applicant was unable to conduct such operation because he was on active duty in the armed forces of the United States or was duly enrolled as an employee of an agency of the Federal Government and in the course of such employment was on duty in a foreign country continuously during the last year of the license term: *Provided*, That any such employee of the Federal Government shall submit with his application for renewal of license a statement signed by his agency head, or the chief of the Bureau or Division in which he is employed attesting to such employment.

in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(f) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

§ 12.28 *Who may operate an amateur station.* An amateur radio station may be operated only by a person holding a valid amateur operator license. Such station may be operated by the licensee only in the manner and to the extent provided in his amateur operator license. Persons other than the station licensee, when operating such station, may operate it only to the extent and in the manner authorized to the licensee of the station and not exceeding the operating authority of such person's own amateur operator license. When an amateur station is used for telephony, the station licensee may permit any person to transmit by voice, provided during such transmission call signs are announced as prescribed by § 12.82 and a duly licensed amateur operator maintains actual control over the emissions, including turning the carrier on and off for each transmission and signing the station off after communication with each station has been completed.

§ 12.29 *License term.* Amateur operator licenses are normally valid for a period of 5 years from the date of issuance of a new or renewed license, except the Novice Class which is normally valid for a period of 1 year from the date of issuance. Modified and duplicate licenses shall bear the same date of expiration as the licenses for which they are modifications or duplicates.

§ 12.30 *Order of suspension.* No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension.

§ 12.31 *Proceedings.* Proceedings for the suspension of an operator's license shall in all cases be initiated by the entry of an order of suspension. Respondent will be given notice thereof together with

notice of his right to be heard and to contest the proceeding. The effective date of the suspension will not be specified in the original order but will be fixed by subsequent motion of the Commission in accordance with the conditions specified above. Notice of the effective date of suspension will be given respondent who shall send his operator license to the office of the Commission in Washington, D. C., on or before the said effective date, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

EXAMINATIONS

§ 12.41 *When examination is required.* Examination is required for the issuance of a new amateur operator license, and for a change in class of operating privileges. Credit may be given, however, for certain elements of examination as provided in § 12.46

§ 12.42 *Examination elements.* Examinations for amateur operator privileges will comprise one or more of the following examination elements:

Element 1 (A) *Beginner's code test.* Code test at five (5) words per minute.

Element 1 (B) *General code test.* Code test at thirteen (13) words per minute.

Element 1 (C) *Expert's code test.* Code test at twenty (20) words per minute.

Element 2: *Basic amateur practice.* Amateur radio operation and apparatus, including radiotelephone and radiotelegraph.

Element 3 (A) *Basic law.* Rules and regulations essential to beginners' operation, including sufficient elementary radio theory for the understanding of those rules.

Element 3 (B) *General regulations.* Provisions of treaties, statutes, and rules and regulations affecting all amateur stations and operators.

Element 4 (B) *Advanced amateur practice.* Advanced radio theory and operation as applicable to modern amateur techniques, including, but not limited to, radiotelephony, radiotelegraphy, and transmissions of energy for measurements and observations applied to propagation, for the radio control of remote objects and for similar experimental purposes.

§ 12.43 *Examination requirements.* Applicants for original licenses, will be required to pass examinations as follows:

(a) *Amateur extra class.* Elements 1 (C) 2, 3 (B) and 4 (B)

(b) *General class.* Elements 1 (B), (2) and 3 (B)

(c) *Conditional class.* Elements 1 (B) 2 and 3 (B)

(d) *Technician class.* Elements 1 (A), 2 and 3 (B)

(e) *Novice class.* Elements 1 (A) and 3 (A)

§ 12.44 *Manner of conducting examinations.* (a) The examinations for all classes of amateur operator licenses, except Conditional Class, will be conducted by an authorized Commission employee or representative at locations and at times specified by the Commission. The examinations for Conditional Class, as well as Technician and Novice Class licenses, may be conducted in accordance with the provisions of paragraph (c) of this section under one or more of the following conditions:

(1) If the applicant's actual residence and proposed amateur station location

are more than 125 miles airline distance from the nearest location at which examinations are conducted by an authorized Commission employee or representative at intervals of not more than 3 months for amateur operator licenses; or

(2) If the applicant is shown by physician's certificate to be unable to appear for examination because of protracted disability or

(3) If the applicant is shown by certificate of the commanding officer to be in the armed forces of the United States, at an Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(b) A holder of a conditional, technician, or novice class license obtained on the basis of an examination under the provisions of paragraph (c) of this section is not required to be re-examined when changing residence and station location to within a regular examination area, nor when a new examination location is established within 125 miles of such licensee's residence and station location.

(c) Each examination for Conditional Class license, or for Technician, or Novice Class license under special conditions set forth in paragraph (a) of this section, shall be conducted and supervised by not more than two volunteer examiners, whom the Commission may designate or permit the applicant to select (not more than one examiner for the code test and not more than one examiner for the complete written examination) In the event the examiner for the code test is selected by the applicant, such examiner shall be the holder of an Extra Class, Advanced Class, or General Class of amateur operator license or shall have held, within the 5 years prior to the date of the examination, a commercial radiotelegraph operator license issued by the Commission or within that time shall have been employed in the service of the United States as the operator of a manually operated radiotelegraph station. The examiner for the written test shall be at least 21 years of age.

§ 12.45 *Additional examination for holders of Conditional Class operator licenses.* (a) The Commission may require a licensee holding a Conditional Class of operator license to appear for a General Class license examination at a location designated by the Commission. If the licensee fails to appear for the General Class examination when directed to do so, or fails to pass such examination, the Conditional Class operator license previously issued shall be subject to cancellation and, upon cancellation, a new license will not be issued for the Conditional Class privileges.

(b) Whenever the holder of a conditional class amateur operator license is required by the Commission to restrict the operation of his amateur station, in accordance with the provisions of §§ 12.152, 12.153 and 12.154, the necessity for those restrictions shall be considered sufficient grounds to require the holder of the Conditional Class license to appear for the General Class examination.

§ 12.46 *Examination credit.* (a) An applicant for a higher class of amateur operator license who holds a valid amateur operator license issued upon the basis of an examination by the Commission will be required to pass only those elements of the higher class examination that were not included in the examination for the amateur license held when such application was filed. However, credit will not be allowed for licenses issued on the basis of an examination given under the provisions of § 12.44 (c)

(b) An applicant for any class of amateur operator license, except the Extra Class, will be given credit for the telegraph code element if within 5 years prior to the receipt of his application by the Commission he held a commercial radiotelegraph first or second class operator license issued by the Federal Communications Commission.

(c) An applicant for Amateur Extra Class operator license will be given credit for examination elements 1 (c) and 4 (B) if he so requests and submits evidence of having held a valid amateur radio station or operator license issued by any agency of the United States Government during or prior to April 1917, and qualifies for or currently holds a valid amateur operator license of the General or Advanced Class.

(d) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any amateur or commercial operator license.

§ 12.47 *Examination procedure.* All written portions of the examinations for amateur operator privileges shall be completed by the applicant in legible handwriting or hand printing, and diagrams shall be drawn by hand, by means of either pen and ink or pencil. Whenever the applicant's signature is required, his normal signature shall be used. Applicants unable to comply with these requirements, because of physical disability, may dictate their answers to the examination questions and the receiving code test and if unable to draw required diagrams, may dictate a detailed description essentially equivalent. If the examination or any part thereof is dictated, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the applicant's dictation.

§ 12.48 *Grading.* (a) Code tests for sending and receiving are graded separately. Failure to pass the required code test for either sending or receiving will terminate the examination.

(b) Seventy-four percent is the passing grade for written examinations. For the purpose of grading, all elements, other than element 4 (B) required in qualifying for a particular license will be considered a single examination, and element 4 (B) will be considered as a separate examination.

§ 12.49 *Eligibility for re-examination.* An applicant who fails examination for amateur operator privileges may not take another examination for such privileges within 30 days, except that this limitation shall not apply to an examination for a General Class license following an

examination for a Conditional Class license.

§ 12.50 *Code test procedure.* The code test required of an applicant for amateur radio operator license, in accordance with the provisions of §§ 12.42 and 12.43 shall determine the applicant's ability to transmit by hand key (straight key or if supplied by the applicant, any other type of hand operated key such as a semi-automatic or electronic key) and to receive by ear, in plain language, messages in the International Morse Code at not less than the prescribed speed, free from omission or other error for a continuous period of at least 1 minute during a test period of 5 minutes counting five characters to the word, each numeral or punctuation mark counting as two characters.

AMATEUR RADIO STATIONS

LICENSES

§ 12.60 *Limitation on antenna structures.* (a) No new antenna structure shall be erected for use by any station in the Amateur Radio Service, and no change shall be made in any existing antenna structure used or intended to be used by any station in the Amateur Radio Service so as to increase its overall height above ground level, without prior approval by the Commission, in any case when either (1) the antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level, except in the case where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, or (2) the antenna structure proposed to be erected will exceed an over-all height of one foot above the established elevation of any landing area for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except in the case where the antenna structure does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet as a result of such mounting. Application for Commission approval, when such approval is required, shall be submitted on FCC Form No. 401-A, in triplicate.

(b) In cases where FCC Form No. 401-A is required to be filed, further details as to whether an aeronautical study and/or obstruction marking may be required, and specifications for obstruction marking when required, may be obtained from Part 17 of this chapter, "Rules Concerning the Construction, Marking, and Lighting of Antenna Towers and Supporting Structures." Information regarding requirements as to inspection of obstruction marking, recording of information regarding such inspection, and maintenance of antenna structures is also contained in Part 17.

§ 12.61 *Eligibility for amateur station license.* A license for an amateur station will be issued in response to proper application therefor to a license amateur operator who has made a satisfac-

tory showing of control of the transmitting station for which license is desired and of control of the specific premises upon which all of the station apparatus is to be located, at a designated fixed location. An amateur station license may be issued to an individual, not a licensed amateur operator (other than an alien or a representative of an alien or of a foreign government) who is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

§ 12.62 *Eligibility of corporations or organizations to hold license.* An amateur station license will not be issued to a school, company, corporation, association, or other organization, nor for its use, except that in the case of a bona fide amateur radio organization or society, a station license may be issued to a licensed amateur operator, other than the holder of a Novice Class license, as trustee for such society.

§ 12.63 *Application for amateur station license.* (a) Each application for an amateur station license shall comply with the Commission's rules and regulations and shall be made in writing, subscribed and verified on FCC Form No. 610 (application for amateur operator and/or station license). FCC Form No. 602 should be used where the applicant is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

(b) One application and all papers incorporated therein and made a part thereof shall be submitted for each amateur station license. If the application is for station license only, it shall be filed directly with the Commission at its Washington 25, D. C. office. If the application also contains application for any class of amateur operator license, it shall be filed in accordance with the provisions of § 12.22.

§ 12.64 *Location of station.* (a) Every amateur station shall have a fixed transmitter location. Only one fixed transmitter location will be authorized and will be designated on the license for each amateur station, except that when remote control is authorized, the location of the remote control position as well as the location of the remotely controlled transmitter shall be considered as fixed transmitter locations and will be so designated on the station license. Unless remote control of the transmitting apparatus is authorized, such apparatus shall be operated only by a duly licensed amateur radio operator present at the location of such apparatus.

(b) Authority for operation of an amateur station with the licensed operator on duty at a specific remote control point in lieu of the remote transmitter location may be granted upon filing an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, and provided that the following conditions are met:

(1) The remote control point as well as the remotely controlled transmitter, shall be located on premises controlled by the licensee.

(2) The remotely controlled transmitter shall be so installed and protected that it is inaccessible to other than duly authorized persons.

(3) In addition to the requirements of § 12.68 a photocopy of the amateur station license shall be posted in a conspicuous place at the location of the remotely controlled transmitter.

(4) Means shall be provided at the control point to permit the continuous monitoring of the emissions of the remotely controlled transmitter, and it shall be continuously monitored when in operation.

(5) Means shall be provided at the remote control point immediately to suspend the radiation of the transmitter when there is any deviation from the terms of the station license or from the Rules Governing Amateur Radio Service.

(6) In the event that operation of an amateur transmitter from a remote control point by radio is desired, an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, should be submitted with a letter requesting authority to operate in such a manner stating that the controlling transmitter at the remote location will operate within amateur frequency bands 420 megacycles or higher and that there will be full compliance with § 12.64 (b) subparagraphs (1) through (5). Supplemental statements and diagrams should accompany the application and show how radio remote control will be accomplished and what means will be employed to prevent unauthorized operation of the transmitter by signals other than those from the controlling unit. There should be included complete data on control channels, relays and functions of each, directional antenna design for the transmitter and receiver in the control circuit, and means employed for turning on and off the main transmitter from the remote control location.

(c) An amateur transmitter may be operated from a remote control point in lieu of the remote transmitter location without special authorization by the Commission when there is direct mechanical control or direct electrical control by wired connections of the transmitter from a point located in the same or closely adjoining building or structure provided there is full compliance with the conditions set forth in § 12.64 (b), subparagraphs (1) through (5).

§ 12.65 *License period.* The license for an amateur station is normally valid for a period of 5 years from the date of issuance of a new or renewed license except that an amateur station license issued to the holder of a Novice Class amateur operator license is normally valid for a period of 1 year from the date of issuance. Any modified or duplicate license shall bear the same expiration date as the license for which it is a modification or duplicate.

§ 12.66 *Authorized apparatus.* An amateur station license authorizes the

use under control of the licensee of all transmitting apparatus at the fixed location specified in the station license which is operated on any frequency, or frequencies allocated to the amateur service, and in addition authorizes the use, under control of the licensee, of portable and mobile transmitting apparatus operated at other locations.

§ 12.67 *Renewal of amateur station license.* (a) Application for renewal of station license without modification shall be submitted on FCC Form 405-A. Applications on Form 405-A should not be accompanied by the applicant's license. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 120 days of the license term or within a period of grace of one year after the expiration date of such license. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. This one year period of grace shall apply only to licenses expiring on or after January 1, 1951. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(b) A renewal application which includes a modification (change of address) shall be submitted on FCC Form 610 and shall be accompanied by the applicant's amateur station license, and also by his amateur operator license if he holds one.

(c) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

§ 12.68 *Availability of station license.* The original license of each amateur station or a photocopy thereof shall be posted in a conspicuous place in the room occupied by the licensed operator while the station is being operated at a fixed location or shall be kept in his personal possession. When the station is operated at other than a fixed location, the original station license or a photocopy thereof shall be kept in the personal possession of the station licensee (or a licensed representative) who shall be present at the station while it is being operated as a portable or mobile station. The original station license shall be available for inspection by any authorized Government official at all times while the station is being operated and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost, or destroyed, and application has been made for a duplicate license in accordance with § 12.26.

§ 12.69 *Revocation of station license and issuance of cease and desist orders.* (a) Whenever it appears that a station license should be revoked for any of the reasons set forth in section 312 (a) of the Communications Act of 1934, as

amended, or a cease and desist order should be issued for any of the reasons specified in section 312 (b) of the act, the Commission will issue an order directing the licensee to show cause why an order of revocation or a cease and desist order, as the case may be, should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will contain a statement of matters with respect to which the Commission is inquiring and will call upon the licensee to appear before the Commission at a time and place stated in the order, but in no event less than thirty (30) days after the receipt of such order, and give evidence upon the matter specified therein; except that where safety of life or property is involved, the Commission may provide in the order for a shorter period.

(c) In order to avail himself of the opportunity to appear before the Commission at the time and place stated in the show cause order to give evidence upon the matter specified therein, the licensee, in person or by his attorney, shall, within 30 days of the receipt of the order, or such shorter period as may be specified therein if the safety of life and property is involved, file with the Commission, in triplicate, a written appearance stating that he will appear and present evidence on the matter specified in the order.

(d) The hearing on the matter specified in the order to show cause, and the practice and procedure in connection therewith, shall accord with the provisions of Subparts F and G of Part 1 of the Commission's Rules of Practice and Procedure, except that in all such hearings the burden of proof shall be upon the Commission.

(e) If the licensee does not desire to appear before the Commission and give evidence upon the matter specified in the show cause order, he shall, within 30 days of the receipt of the order, or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission, in triplicate, a written waiver of hearing. Such waiver, which shall include the name of the licensee to whom the show cause order was addressed, the call letters of his station, if any, and the docket number of the proceeding, may be accompanied by a statement of reasons why the licensee believes that the order of revocation or a cease and desist order, as the case may be, should not be issued.

(f) If the licensee fails timely to respond to an order to show cause or fails to appear at a hearing, such failure will be deemed a waiver of hearing.

(g) If the licensee waives a hearing in accordance with the provisions of paragraph (e) of this section and fails to submit a statement therewith showing why he believes an order of revocation or a cease and desist order should not be issued, or if he is deemed to waive a hearing in accordance with the provisions of paragraph (f) of this section, the allegations specified in the order to show cause will be deemed to be admitted and a decision will be issued by the Commission invoking the sanction specified in the order to show cause. If a hearing is waived pursuant to paragraph (e) of this section but a written statement as to why

an order of revocation or cease and desist order should not be issued is submitted, the Commission will, on the basis of the facts before it as supplemented by such written statement, issue a decision stating its reasons for invoking the sanction specified in the order to show cause or for dismissing the proceeding, as the case may be: *Provided*, That where the written statement contains factual allegations contrary to those upon which the show cause order was based, the Commission may call upon the submitting party to furnish additional information under oath, or, if necessary, designate the proceeding for oral hearing. The decisions of the Commission referred to in this paragraph shall have the same effect as an initial decision, and the procedure to be followed thereafter shall be the same as in the case of an initial decision issued in the course of the regular hearing procedure (see §§ 1.853-1.857 of Part 1, Rules of Practice and Procedure).

(h) Any order of revocation or cease and desist order issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefor and specify the effective date of the order, and shall be served on said licensee.

§ 12.70 Modification of station license.

(a) Whenever the Commission shall determine that public interest, convenience, and necessity would be served, or any treaty ratified by the United States will be more fully complied with, by the modification of any radio station license either for a limited time, or for the duration of the term thereof, it shall issue an order for such licensee to show cause why such license should not be modified.

(b) Such order to show cause shall contain a statement of the grounds and reasons for such proposed modification, and shall specify wherein the said license is required to be modified. It shall require the licensee against whom it is directed to appear at a place and time therein named, in no event to be less than 30 days from the date of receipt of the order to show cause why the proposed modification should not be made and the order of modification issued.

(c) If the licensee against whom the order to show cause is directed does not appear at the time and place provided in said order, a final order of modification shall issue forthwith.

CALL SIGNS

§ 12.81 Assignment of call sign. (a) The call signs of amateur stations will be assigned systematically by the Commission with the following exceptions:

(1) A specific unassigned call sign may be reassigned to the most recent holder thereof;

(2) A specific unassigned call sign may be assigned to a previous holder if not under license during the past 5 years;

(3) A specific unassigned call sign may be assigned to an amateur organization in memoriam to a deceased member and former holder thereof;

(4) A specific call sign may be temporarily assigned to a station connected with an event, or events, of general public interest;

(5) An unassigned "two-letter call sign" (a call sign having two letters following the numeral) may be assigned to a previous holder of a two-letter call sign the prefix of which consisted of not more than a single letter.

(b) An amateur call sign will consist of a sequence of one or two letters, a numeral designating the call sign area, and two or three letters. The call sign areas are as follows:

- No.
1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.
 2. New York, New Jersey.
 3. Pennsylvania, Delaware, Maryland, District of Columbia.
 4. Virginia, North and South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Puerto Rico and Virgin Islands.
 5. Mississippi, Louisiana, Arkansas, Oklahoma, Texas, New Mexico.
 6. California, Hawaii and Pacific possessions except those included in area 7.
 7. Oregon, Washington, Idaho, Montana, Wyoming, Arizona, Nevada, Utah, Alaska and adjacent islands.
 8. Michigan, Ohio, West Virginia.
 9. Wisconsin, Illinois, Indiana.
 - g. Colorado, Nebraska, North and South Dakota, Kansas, Minnesota, Iowa, Missouri.

§ 12.82 Transmission of call signs. (a)

(1) The operator of an amateur station shall transmit the call sign of the station or stations (or may transmit the generally accepted identification of the network) being called or communicated with, or shall identify appropriately any other purpose of a transmission, followed by the authorized call sign of the station transmitting:

(i) At the beginning and end of each single transmission or;

(ii) At the beginning and end of a series of transmissions between stations having established communication, each transmission of which is of less than three minutes duration (the identification at the end of such a series may be omitted when the duration of the entire series is less than three minutes), and;

(iii) At least once every ten minutes or as soon thereafter as possible during a series of transmissions between stations having established communication, and;

(iv) At least once every ten minutes during any single transmission of more than ten minutes duration.

(2) The required identification shall be transmitted on the frequency or frequencies being employed at the time and, in accordance with the type of emission authorized thereon, shall be by either telegraphy using the International Morse Code, or telephony. In addition to the foregoing, when a method of communication other than telephony or telegraphy using the International Morse Code is being used or attempted, the prescribed identification shall also be transmitted by that method.

(b) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a portable or mobile station using radiotelegraphy shall transmit immediately after the call sign of such station, the fraction-bar character (DN) followed by the number of the amateur call sign area in which the

portable or mobile amateur station is then being operated, as for example:

Example 1. Portable or mobile amateur station operating in the third amateur call sign area calls a fixed amateur station: W1ABC W1ABC W1ABC DE W2DEF DN 3 W2DEF DN 3 W2DEF DN 3 AR.

Example 2. Fixed amateur station answers the portable or mobile amateur station: W2DEF W2DEF W2DEF DE W1ABC K.

Example 3. Portable or mobile amateur station calls a portable or mobile amateur station: W3GHI W3GHI W3GHI DE W4JKL DN 4 W4JKL DN 4 W4JKL DN 4 AR.

When telephony is used, the call sign of the station shall be preceded by the words "this is" or the word "from" instead of the letters "de," followed by an announcement of the geographical location in which the portable or mobile station is being operated.

Example 4. Portable or mobile amateur radiotelephone station operating in the third call area calls a fixed amateur station: W1ABC W1ABC W1ABC "this is" or the word "from" W2DEF W2DEF W2DEF operating portable (or mobile) 3 miles north of Bethesda, Md., over.

(c) When telephony is used, the transmission of call signs prescribed by paragraphs (a) and (b) of this section may be made by the person transmitting by voice in lieu of a duly licensed operator provided the licensed operator maintains the control required by § 12.28.

(d) When using telephony, phonetic aids to identify the call sign of the station may be employed.

(e) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a mobile station aboard a vessel on the high seas, or aboard an aircraft en route on an international flight, shall, when the vessel or aircraft is outside the 10 call sign areas prescribed by the Commission in § 12.81 (b), comply with the following calling procedure:

(1) Mobile operations aboard a vessel.

(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fraction bar DN followed by the designator MM to indicate that the station is being operated as a mobile station aboard a vessel. In addition, the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is" or the word "from" followed by the words "maritime mobile" to indicate that the station is being operated as a mobile station aboard a vessel. In addition the name of the vessel, and its approximate geographical location, shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(2) Mobile operations aboard aircraft.

(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fraction bar DN followed by the designator AM to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is" or the word "from" followed by the words "aeronautical mobile" to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

PORTABLE AND MOBILE STATIONS

§ 12.91 *Requirements for portable and mobile operation.* (a) Within the continental limits of the United States, its territories, or possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Whenever portable operation is, or is likely to be, for an over-all period in excess of 48 hours away from the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such portable operation is intended. This notice is required even though the station is, or is likely to be, operated during any part of this over-all period at the fixed transmitter location. Whenever mobile operation is, or is likely to be, for a period in excess of 48 hours without return to the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such mobile operation is intended. The notice required for either portable or mobile operation shall state the station call sign, the name of the licensee, the date or dates of proposed operation and the contemplated portable station locations, or mobile station itinerary, as specifically as possible. Additional advanced written notice shall also be given, in accordance with the foregoing, whenever such operation away from the fixed station location designated in the station license exceeds one month, and for each additional month of such operation.

(b) Outside the continental limits of the United States, its territories or possessions, an amateur station may be operated as portable or mobile only in the amateur band 28.0 to 29.7 Mc except that within areas under the jurisdiction of a foreign government, operation is controlled by the laws of that government and the terms of any applicable treaty. (See Appendix 4 for such treaties or agreements as are in force and the pertinent terms thereof.) Whenever such portable or mobile operation is, or is likely to be, for a period

in excess of 48 hours away from the continental limits of the United States, its territories, or possessions, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which the fixed transmitter site designated in the station license is located. Only one such notice shall be required during any continued absence from the continental limits of the United States, its territories, or possessions.

§ 12.93 *Special provisions for non-portable stations.* The specific provisions of these rules relative to portable stations are not applicable to a nonportable station except that—

(a) An amateur station that has been moved from one permanent location to another permanent location may be operated at the latter location, in accordance with the provisions governing portable stations (including notice to the Engineer in Charge of the district in which the station is located) for a period not exceeding four consecutive months, but in no event beyond the expiration date of the license, provided a formal application for modification of license to change the permanent location has been filed with the Commission.

(b) The licensee of an amateur station who changes residence temporarily, but retains a permanent residence associated with the fixed station location designated in the station license, and moves his amateur station to a temporary location associated with his temporary residence, or the licensee-trustee for an amateur radio society which changes the normal location of its amateur station to a different and temporary location, may use the station at such temporary location under the following conditions:

(1) Advance notice in writing shall be given by the amateur station licensee or licensee-trustee to the Commission in Washington, D. C., and, for each month of such operation, to the Engineer in Charge of the radio inspection district in which the station is to be temporarily operated.

(2) Similar notice shall be given for each change in such temporary location, for the return of the station to the former permanent location, or for the establishment of a new permanent location; *Provided*, That additional monthly notices to the Engineer in Charge shall not be required when such operation takes place at the fixed station location designated in the station license held by the licensee.

(3) The notice of operation at a temporary location, as required under the preceding provisions of this paragraph, shall clearly identify the station call sign and licensee or licensee-trustee, shall indicate both the permanent and the temporary station locations, shall indicate the address at which the licensee or licensee-trustee can be readily reached during such temporary operation, and shall show the reason why operation at that location is considered temporary rather than a change of permanent location.

(c) When the station is operated under the provisions of this section the calling procedure specified in § 12.82 shall

be used, including transmissions of the fractional bar character when telegraphy is used followed by the number of the amateur call sign area in which the station is being operated. When telephony is used, an announcement shall be made of the geographical location in which the station is being operated.

§ 12.94 *Special provisions for mobile stations aboard ships or aircraft.* In addition to complying with all other applicable rules, an amateur mobile station operated on board a ship or aircraft must comply with all of the following special conditions: (a) The installation and operation of the amateur mobile station shall be approved by the master of the ship or captain of the aircraft; (b) The amateur mobile station shall be separate from and independent of all other radio equipment, if any, installed on board the same ship or aircraft; (c) The electrical installation of the amateur mobile station shall be in accord with the rules applicable to ships or aircraft as promulgated by the appropriate government agency; (d) The operation of the amateur mobile station shall not interfere with the efficient operation of any other radio equipment installed on board the same ship or aircraft; and (e) The amateur mobile station and its associated equipment, either in itself or in its method of operation, shall not constitute a hazard to the safety of life or property.

USE OF AMATEUR STATIONS

§ 12.101 *Points of communications.* An amateur station may be used to communicate only with other amateur stations, except that in emergencies or for test purposes it may also be used temporarily for communication with other classes of stations licensed by the Commission, and with United States Government stations. Amateur stations may also be used to communicate with any radio station other than amateur which is authorized by the Commission to communicate with amateur stations. Amateur stations may be used also for transmitting signals, or communications, or energy, to receiving apparatus for the measurement of emissions, temporary observation of transmission phenomena, radio control of remote objects, and for similar experimental purposes and for the purposes set forth in § 12.106.

§ 12.102 *No remuneration for use of station.* An amateur station shall not be used to transmit or receive messages for hire, nor for communication for material compensation, direct or indirect, paid or promised.

§ 12.103 *Broadcasting prohibited.* Subject to the provisions of § 12.106, an amateur station shall not be used to engage in any form of broadcasting, that is, the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations, nor for the retransmission by automatic means of programs or signals emanating from any class of station other than amateur. The foregoing provision shall not be construed to prohibit amateur operators from giving

their consent to the rebroadcast by broadcast stations of the transmissions of their amateur stations, provided, that the transmissions of the amateur stations shall not contain any direct or indirect reference to the rebroadcast.

§ 12.104 *Radio telephone tests.* The transmission of music by an amateur station is forbidden. However, single audio-frequency tones may be transmitted for test purposes of short duration for the development and perfection of amateur radio telephone equipment.

§ 12.105 *Codes and ciphers prohibited.* The transmission by radio of messages in codes or ciphers in domestic and international communications to or between amateur stations is prohibited. All communications regardless of type of emission employed shall be in plain language except that generally recognized abbreviations established by regulation or custom and usage are permissible as are any other abbreviations or signals where the intent is not to obscure the meaning but only to facilitate communications:

§ 12.106 *One-way communications.* In addition to the experimental one-way transmissions permitted by § 12.101, the following kinds of one-way communications, addressed to amateur stations, are authorized and will not be construed as broadcasting: (a) Emergency communications, including bona-fide emergency drill practice transmissions; (b) Information bulletins consisting solely of subject matter having direct interest to the amateur radio service as such; (c) Round-table discussions or net-type operations where more than two amateur stations are in communication, each station taking a turn at transmitting to other station(s) of the group; and (d) Code practice transmissions intended for persons learning or improving proficiency in the International Morse Code.

§ 12.107 *Special provisions regarding radio teleprinter transmissions.* The following special conditions shall be observed during the transmission of radio teleprinter signals on authorized frequencies by amateur stations:

(a) A single channel five-unit (start-stop) teleprinter code shall be used which shall correspond to the International Telegraphic Alphabet No. 2 with respect to all letters and numerals (including the slant sign or fraction bar) but special signals may be employed for the remote control of receiving printers, or for other purposes, in "figures" positions not utilized for numerals. In general, this code shall conform as nearly as possible to the teleprinter code or codes in common commercial usage in the United States.

(b) The nominal transmitting speed of the radio teleprinter signal keying equipment shall be adjusted as nearly as possible to the standard speed of 60 words per minute and, in any event, within the range 55 to 65 words per minute.

(c) When frequency-shift keying (type F-1 emission) is utilized, the deviation in frequency from the mark signal to the space signal, or from the space signal to the mark signal, shall be adjusted as

nearly as possible to 850 cycles and, in any event, within the range 800 to 900 cycles per second.

(d) When audio-frequency-shift keying (type A-2 or type F-2 emission) is utilized, the highest fundamental modulating audio frequency shall not exceed 3000 cycles per second, and the difference between the modulating audio frequency for the mark signal and that for the space signal shall be adjusted as nearly as possible to 850 cycles and, in any event, within the range 800 to 900 cycles per second.

ALLOCATION OF FREQUENCIES

§ 12.111 *Frequencies and types of emission for use of amateur stations.* Subject to the limitations and restrictions set forth in this section and in § 12.114, the following frequency bands and types of emissions are allocated and available for amateur station operation:

(a) 1800 to 2000 kc. Use of this band is on a shared basis with the Loran system of radionavigation. The amateur service may use, in any area, whichever

bands, 1800-1825, 1875-1900, 1900-1925 or 1975-2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service.

(2) The use of these frequencies by stations in the amateur service shall not cause harmful interference to the Loran system of radionavigation. If an amateur station causes such interference, the station licensee shall, as directed by the Commission, immediately cease operation on the frequencies involved.

(3) Only type A1 or A3 emission shall be employed.

(4) Amateur operation shall be limited to the following areas, to the indicated frequency bands within each such area, and to the indicated maximum plate power input to the tube or tubes supplying energy to the antenna during day and night hours, respectively, on such frequencies:

Area	Authorized bands, kc	DC plate input power in watts	
		Day	Night
Minnesota, Iowa, Missouri, Arkansas, Louisiana and States to the east of these States, including District of Columbia, North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States except the State of Washington.	1800-1825, 1875-1900	500	200
	1900-1925, 1975-2000	500	200
State of Washington	1800-1925, 1975-2000	200	50
Texas, Oklahoma, and Kansas	1800-1825, 1875-1900	200	75
Hawaiian Islands	1800-1925, 1975-2000	500	200
Puerto Rico and Virgin Islands	1800-1925, 1875-1900	500	200
Alaska, Guam, and other Territories and possessions of the United States not listed above.	None	No operation.	No operation.

(5) The provisions of this subparagraph shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(b) 3500 to 4000 kc, using type A-1 emission and, on frequencies 3500 to 3800 kc, using type F-1 emission and, on frequencies 3800 to 4000 kc, using type A3 emission and narrow band frequency or phase modulation for radiotelephony to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands, and all United States possessions lying west of the Territory of Hawaii to 170° west longitude.

(c) 7000 to 7300 kc, using type A-1 emission and, on frequencies 7000 to 7200 kc, using type F-1 emission and, on frequencies 7200 to 7300 kc, using type A-3 emission or narrow band frequency or phase modulation for radiotelephony.

(d) 14,000 to 14,350 kc, using type A-1 emission, 14,000 to 14,200 kc and 14,300 to 14,350 kc using type F-1 emission and on frequencies 14,200 to 14,300 kc, type A-3 emission or narrow band frequency or phase modulation for radiotelephony.

(e) 21.00 to 21.45 Mc, using type A-1 emission; 21.00 to 21.25 Mc, using type F-1 emission; 21.25 to 21.45 Mc, using

type A-3 emission and narrow band frequency or phase modulation for telephony.

(f) 26.960 to 27.230 Mc using A₃, A1, A2, A3, and A4 emission and also special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques) subject to such interference as may result from the emissions of industrial, scientific and medical devices within 160 kc of the frequency 27.120 Mc.

(g) 28.0 to 29.7 Mc, using type A1 emission and, on frequencies 28.5 to 29.7 Mc using type A3 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 29.0 to 29.7, using special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques)

(h) 50.0 to 54.0 Mc, using types A1, A2, A3, and A4 emission and narrow band frequency or phase modulation for radiotelephony and on frequencies 52.5 to 54.0 Mc, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques)

(i) 144 to 148 Mc, using types A₃, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier

shift or other frequency modulation techniques)

(j) 220 to 225 Mc² using types A θ , A1, A2, A3 and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulated techniques)

(k) 420 to 450 Mc, using types A θ , A1, A2, A3, A4, and A5 emissions and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques) Peak antenna power shall not exceed 50 watts in order to minimize interference to aircraft altimeters temporarily allocated to this band.

(l) 1215 to 1300 Mc, using types A θ , A1, A2, A3, A4, and A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques)

(m) 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5925 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types A θ , A1, A2, A3, A4, A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques) and pulse emission. Operations in the frequency bands 2300 to 2450 Mc and 5650 to 5925 Mc are subject to such interference between 2400 and 2450 Mc and between 5775 and 5925 Mc, respectively as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5850 Mc, respectively.

§ 12.113 *Individual frequency not specified.* Transmissions by an amateur station may be on any frequency within any authorized amateur band. Sideband frequencies resulting from keying or modulating a carrier wave shall be confined within the authorized amateur band.

*In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53' N., on the east by longitude 105°40' W., on the north by parallel 33°24' N., and on the west by longitude 106°40' W., the frequency band 220-225 Mc. is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire frequency band 220-225 Mc. shall be applicable in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

§ 12.114 *Types of emission.* (a) Type A θ emission, where not specifically designated in the bands listed in § 12.111, may be used for short periods of time when required for authorized remote control purposes or for experimental purposes. However, these limitations do not apply where type A θ emission is specifically designated.

(b) [Deleted]

(c) The use of narrow band frequency or phase modulation is subject to the conditions that the band-width of the modulated carrier shall not exceed the band-width occupied by an amplitude-modulated carrier of the same audio characteristics, and that the purity and stability of such emissions shall be maintained in accordance with the requirements of § 12.133.

EQUIPMENT AND OPERATION.

§ 12.131 *Maximum authorized power* Except on frequencies within the band 420 to 450 megacycles (where peak antenna power shall not exceed 50 watts) each amateur transmitter may be operated with a power input not exceeding 1 kilowatt to the plate circuit of the final amplifier stage of an amplifier-oscillator transmitter or to the plate circuit of an oscillator transmitter. An amateur transmitter operating with a power input exceeding 900 watts to the plate circuit shall provide means for accurately measuring the plate power input to the vacuum tube or tubes supplying power to the antenna.

§ 12.132 *Power supply to transmitter* The licensee of an amateur station using frequencies below 144 megacycles shall use adequately filtered direct-current plate power supply for the transmitting equipment to minimize modulation from this source.

§ 12.133 *Purity and stability of emissions.* Spurious radiation from an amateur station being operated with a carrier frequency below 144 megacycles shall be reduced or eliminated in accordance with good engineering practice. This spurious radiation shall not be of sufficient intensity to cause interference in receiving equipment of good engineering design including adequate selectivity characteristics, which is tuned to a frequency or frequencies outside the frequency band of emission normally required for the type of emission being employed by the amateur station. In the case of A-3 emission, the amateur transmitter shall not be modulated to the extent that interfering spurious radiation occurs, and in no case shall the emitted carrier wave be amplitude-modulated in excess of 100 percent. Means shall be employed to insure that the transmitter is not modulated in excess of its modulation capability for proper technical operation. For the purposes of this section a spurious radiation is any radiation from a transmitter which is outside the frequency band of emission normal for the type of transmission employed, including any component whose frequency is an integral multiple or submultiple of the carrier frequency (harmonics and subharmonics) spurious modulation products, key clicks, and other transient

effects, and parasitic oscillations. When using amplitude modulation on frequencies below 144 megacycles, simultaneous frequency modulation is not permitted and when using frequency modulation on frequencies below 144 megacycles simultaneous amplitude modulation is not permitted. The frequency of the emitted carrier wave shall be as constant as the state of the art permits.

§ 12.134 *Modulation of carrier wave.* Except for brief tests or adjustments and except for operation in the band 26.960 to 27.230 megacycles, an amateur radiotelephone station shall not emit a carrier wave on frequencies below 144 megacycles unless modulated for the purpose of communication.

§ 12.135 *Frequency measurement and regular check.* The licensee of an amateur station shall provide for measurement of the emitted carrier frequency or frequencies and shall establish procedure for making such measurement regularly. The measurement of the emitted carrier frequency or frequencies shall be made by means independent of the means used to control the radio frequency or frequencies generated by the transmitting apparatus and shall be of sufficient accuracy to assure operation within the amateur frequency band used.

§ 12.136 *Logs.* Each licensee of an amateur station shall keep an accurate log of station operation, which shall include the following:

(a) The date and time of each transmission. (The date need only be entered once for each day's operation. The expression "time of each transmission" means the time of making a call and need not be repeated during the sequence of communication which immediately follows; however, an entry shall be made in the log when signing off so as to show the period during which communication was carried on.)

(b) The signature of each licensed operator who manipulates the key of a radiotelegraph transmitter or the signature of each licensed operator who operates a transmitter of any other type and the name of any person not holding an amateur operator license who transmits by voice over a radiotelephone transmitter. The signature of the operator need only be entered once in the log, in those cases when all transmissions are made by or under the supervision of the signatory operator, provided a statement to that effect also is entered. The signature of any other operator who operated the station shall be entered in the proper space for that operator's transmission.

(c) Call sign of the station called. (This entry need not be repeated for calls made to the same station during any sequence of communication, provided the time of signing off is given.)

(d) The input power to the oscillator, or to the final amplifier stage where an oscillator-amplifier transmitter is employed. (This need be entered only once, provided the input power is not changed.)

(e) The frequency band used. (This information need be entered only once in the log for all transmissions until there

is a change in frequency to another amateur band.)

(f) The type of emission used. (This need be entered only once until there is a change in the type of emission.)

(g) The location of the station (or the approximate geographical location of a mobile station) at the time of each transmission. (This need be entered only once provided the location of the station is not changed. However, suitable entry shall be made in the log upon changing the location. Where operating at other than a fixed location, the type and identity of the vehicle or other mobile unit in which the station is operated shall be shown.)

(h) The message traffic handled. (If record communications are handled in regular message form, a copy of each message sent and received shall be entered in the log or retained on file at the station for at least 1 year.)

§ 12.137 *Retention of logs.* The log shall be preserved for a period of at least 1 year following the last date of entry. The copies of record communications and station log required by § 12.136 shall be available for inspection by authorized representatives of the Commission.

SPECIAL CONDITIONS

§ 12.151 *Additional conditions to be observed by licensee.* In all respects not specifically covered by these regulations each amateur station shall be operated in accordance with good engineering and good amateur practice.

§ 12.152 *Restricted operation.* (a) If the operation of an amateur station causes general interference to the reception of transmissions from stations operating in the domestic broadcast service when receivers of good engineering design including adequate selectivity characteristics are used to receive such transmissions and this fact is made known to the amateur station licensee, the amateur station shall not be operated during the hours from 8 p. m. to 10:30 p. m., local time, and on Sunday for the additional period from 10:30 a. m. until 1 p. m., local time, upon the frequency or frequencies used when the interference is created.

(b) In general, such steps as may be necessary to minimize interference to stations operating in other services may be required after investigation by the Commission.

§ 12.153 *Second notice of same violation.* In every case where an amateur station licensee is cited within a period of 12 consecutive months for the second violation of the provisions of §§ 12.111, 12.113, 12.114, 12.132, or 12.133, the station licensee, if directed to do so by the Commission, shall not operate the station and shall not permit it to be operated from 6 p. m. to 10:30 p. m., local time, until written notice has been received authorizing the resumption of full-time operation. This notice will not be issued until the licensee has reported on the results of tests which he has conducted with at least two other amateur stations at hours other than 6 p. m. to 10:30 p. m., local time. Such tests are to be made for the specific purposes of

aiding the licensee in determining whether the emissions of the station are in accordance with the Commission's rules. The licensee shall report to the Commission the observations made by the cooperating amateur licensees in relation to the reported violations. This report shall include a statement as to the corrective measures taken to insure compliance with the rules.

§ 12.154 *Third notice of same violation.* In every case where an amateur station licensee is cited within a period of 12 consecutive months for the third violation of §§ 12.111, 12.113, 12.114, 12.132 or 12.133, the station licensee if directed by the Commission, shall not operate the station and shall not permit it to be operated from 8 a. m. to 12 midnight, local time, except for the purposes of transmitting a prearranged test to be observed by a monitoring station of the Commission to be designated in each particular case. The station shall not be permitted to resume operation during these hours until the licensee is authorized by the Commission, following the test, to resume full-time operation. The results of the test and the licensee's record shall be considered in determining the advisability of suspending the operator license or revoking the station license, or both.

§ 12.155 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer direct to the office of the Commission originating the official notice: *Provided, however,* That if an answer cannot be sent or an acknowledgment made within such 3-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the notice of violation relates to some lack of attention or improper operation of the transmitter, the name of the operator in charge shall be given.

§ 12.156 *Operation in emergencies.* In the event of an emergency disrupting normally available communication facilities in any widespread area or areas, the Commission, in its discretion, may declare that a general state of communications emergency exists, designate the area or areas concerned, and specify the amateur frequency bands, or segments of such bands, for use only by amateurs

participating in emergency communication within or with such affected area or areas. Amateurs desiring to request the declaration of such a state of emergency should communicate with the Commission's Regional Manager of the area concerned. Whenever such declaration has been made, operation of and with amateur stations in the area concerned shall be only in accordance with the requirements hereinafter set forth, but such requirements shall in no wise affect other normal amateur communication in the affected area when conducted on frequencies not designated for emergency operation.

(a) All transmissions within all designated amateur emergency communication bands other than communications relating directly to relief work, emergency service, or the establishment and maintenance of efficient amateur radio networks for the handling of such communications, shall be suspended. Incidental calling, answering, testing or working (including casual conversation, remarks or messages) not pertinent to constructive handling of the emergency situation shall be prohibited within these bands.

(b) The Commission may designate certain amateur stations to assist in the promulgation of information relating to the declaration of a general state of communications emergency, to monitor the designated amateur emergency communications bands, and to warn non-complying stations observed, to be operating in those bands. Such station, when so designated, may transmit for that purpose on any frequency or frequencies authorized to be used by that station, provided such transmissions do not interfere with essential emergency communications in progress; however, such transmissions shall preferably be made on authorized frequencies immediately adjacent to those segments of the amateur bands being cleared for the emergency. Individual transmissions for the purpose of advising other stations of the existence of the communications emergency shall refer to this section by number (§ 12.156) and shall specify, briefly and concisely, the date of the Commission's declaration, the area and nature of the emergency, and the amateur frequency bands or segments of such bands which constitute the amateur emergency communications bands at the time. The designated stations shall not enter into discussions with other stations beyond furnishing essential facts relative to the emergency, or acting as advisors to stations desiring to assist in the emergency, and the operators of such designated stations shall report fully to the Commission the identity of any stations failing to comply, after notice, with any of the pertinent provisions of this section.

(c) The special conditions imposed under the provisions of this section shall cease to apply only after the Commission, or its authorized representative, shall have declared such general state of communications emergency to be terminated; however, nothing in this paragraph shall be deemed to prevent the Commission from modifying the

terms of its declaration from time to time as may be necessary during the period of a communications emergency, or from removing those conditions with respect to any amateur frequency band or segment of such band which no longer appears essential to the conduct of the emergency communications.

§ 12.157 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

§ 12.158 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

§ 12.159 *Unidentified communications.* No licensed radio operator shall transmit unidentified radio communications or signals.

§ 12.160 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

§ 12.161 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

§ 12.162 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means.

SUBPART B—RADIO AMATEUR CIVIL EMERGENCY SERVICE

GENERAL

§ 12.200 *Temporary nature of this service.* (a) The Radio Amateur Civil Emergency Service provides a temporary phase of amateur operation for Civil Defense communications purposes only and the rules are limited in their force and effect to the period of the present national emergency, including any emergency which may necessitate invoking of the President's War Emergency Powers under the provisions of section 606 of the Communications Act of 1934, as amended.

(b) Pursuant to the provisions of section 4 (j) of the Communications Act of 1934, as amended, records relating to the Radio Amateur Civil Emergency Service shall not be open to general public inspection.

§ 12.201 *Definitions.* For the purposes of this subpart, the following definitions are applicable:

(a) *Radio Amateur Civil Emergency Service.* A temporary radio-communication service carried on by licensed amateur radio stations while operating on specifically designated segments of the regularly allocated amateur frequency bands under the direction of authorized local, regional, or federal civil defense officials pursuant to an approved civil defense communications plan.

(b) *Radio Amateur Civil Emergency Station.* An amateur radio station which

is authorized to operate in the Radio Amateur Civil Emergency Service for the purpose of transmitting and receiving civil defense communications.

(c) *Civil defense communications.* Communications or signals essential to the conduct of civil defense activities of duly authorized civil defense organizations, including communications directly concerning safety of life, preservation of property, maintenance of law and order, alleviation of human suffering and need and dissemination of warnings of enemy attack to the civilian population in case of actual or impending armed attack or in any disaster or other incident endangering the public welfare. Such communications may also include transmissions necessary to establishment and maintenance of the radio system and communications essential to the training of civil defense personnel.

(d) *Civil defense authority.* The legally appointed Director of Civil Defense, or his authorized alternate or representative, for the particular geographical area (city, county, etc.) which a proposed radio station is intended to serve, and who is responsible to local governmental authority for protection and aid to the civilian population in the event of armed attack or of any disaster or other incident endangering public safety.

(e) *Civil Defense Communications Officer.* The official of any duly constituted civil defense organization having direct responsibility under the Director of that organization for the provision, organization, maintenance, readiness, and utilization of all means of communication to be used by such civil defense organization in the performance of its lawful functions.

(f) *Civil Defense Radio Officer.* The duly designated official of a legally constituted civil defense organization who is directly responsible either to the Communications Officer or to the Director of such civil defense organization for the provision, organization, maintenance, readiness, and utilization of radio communications facilities for civil defense use.

(g) *Radio Amateur Civil Emergency Network.* All radio amateur civil emergency stations intended to be included in the civil defense communications plan of the area concerned and which operate, or are to operate, in conjunction with a single control station. Such network may be made up of several separately authorized radio amateur civil emergency stations or units of such stations, or may be made up of several units of the same station operated at different locations. In addition, the same radio amateur civil emergency station or any unit of such station may be a part of more than one network; e. g., the control station of one network may also be the control station or a member station of another network operated in conjunction therewith.

(h) *Control station.* The term "control station" or "net control station" means any authorized Radio Amateur Civil Emergency Station unit designated by the civil defense radio officer, with the approval of the Director of Civil De-

fense or the Civil Defense Communications Officer, to direct the use and operation of other station units of the same Radio Amateur Civil Emergency Network.

(i) *Civil defense communications plan.* A civil defense communications plan is the plan under which communications facilities are provided to all branches and phases of the civil defense organization in the area concerned and for all of its activities. Such plan may be drawn up in accordance with the needs of the particular area affected and the facilities, including licensed radio operators and stations, available in that particular area. Plans need not be uniform, but to be acceptable to the Commission they must comply with the following:

(1) The plan must be clearly described in writing, and it may include diagrams and sketches. It must include a general description of the facilities and personnel available to provide communications for civil defense purposes and the expected usage to be made thereof.

(2) The plan must have been approved by the state or territorial and federal civil defense authorities having jurisdiction of the area affected.

(3) The plan must include the name, address, official title, and a statement of the qualifications of the Civil Defense Radio Officer (and of any and all alternate Radio Officers) responsible for the organization, training, and utilization of the radio amateur civil emergency station networks under that plan, and the name, address, and official title of the civil defense official responsible for the coordination of all civil defense activities of the area concerned.

(4) The plan must include a general description of each radio amateur civil emergency station network under the jurisdiction of each respective Civil Defense Radio Officer, showing location of fixed installations, purpose, area of activity to be served, an estimate of the number of radio amateur stations and independent operating units of such stations intended to be used in the network, and a description, including the location and call sign, of its control station and any alternate control station or stations.

(5) The plan must include a general statement as to the frequency bands to be used by the radio amateur civil emergency station networks and the approximate number of stations, or units of such stations, to be operated in each such band, together with a description of the method which has been adopted for liaison and coordination of frequency usage with other similar networks in the same and adjacent areas.

(6) The plan must include a statement setting forth the facilities available to the area and the procedures to be followed in determining the loyalty and general reliability of all civil defense Radio Officers, amateur radio station licensees and radio operators intended to be utilized in the implementation of that plan. (See §§ 12.214 (b), 12.215 (c) and 12.241 (a) of this subpart.)

§ 12.202 *Applicability of rules governing amateur radio stations and operators.* In all cases not specifically covered by the regulations contained in this subpart, licensed amateur stations authorized to be operated in the Radio Amateur Civil Emergency Service shall be governed by the provisions of the rules governing amateur radio stations and operators (Subpart A of this part) which are not in conflict herewith. In any case of conflict, the rules governing the Radio Amateur Civil Emergency Service shall govern in respect to any station operated in that service.

ORGANIZATION

§ 12.211 *Organization of networks.* To supplement or extend other means of communication available to the civil defense organization or to provide necessary communications for which no other means exist, local radio amateur civil emergency station networks shall be organized by the civil defense authority of the area concerned and under the immediate direction of the Civil Defense Radio Officer. Such networks shall include all licensed amateur radio stations which are intended to be included in the civil defense communications plan of the area concerned. In any particular area there may be several such networks and each network may be independent of the others. Whenever there is more than one network in the same area, all such networks must share, under a single civil defense communications plan, the available frequencies in an efficient and orderly manner. The various networks in adjacent areas shall establish proper liaison and a description of the arrangements made shall become a part of their respective civil defense communications plans. Such arrangements shall provide for the efficient sharing of frequencies, plans for operating procedure designed to avoid mutual interference, and the exchange of communications facilities upon an inter-area basis where need for such exchange may arise.

§ 12.212 *Approval of civil defense communications plans.* (a) All civil defense communications plans which provide for the utilization of radio amateur civil emergency stations for civil defense purposes must be submitted to and approved by the responsible state (or territorial) and federal civil defense authorities before the licensed amateur stations intended to be used will be authorized to operate in the radio amateur civil emergency service.

(b) Material changes or modifications in such civil defense communications plans which alter the basic information required shall be submitted for approval in the same manner as the original plans.

(c) Written certification of approval by the competent state (or territorial) and federal civil defense authorities of each civil defense communications plan, or of any changes or modifications thereof, shall accompany the copies of such plans, changes, or modifications, which are submitted to the Commission in accordance with the provisions of this part.

§ 12.213 *Certification of Civil Defense Radio Officer.* (a) Certification of the

Civil Defense Radio Officer shall be made on FCC Form 482. Such form shall be executed by the civil defense authority responsible for the coordination of all civil defense activities of the area concerned and show: (1) The name, address, and area of responsibility of such civil defense radio officer, (2) statement by him that he has accepted such appointment and agrees to perform faithfully the duties of that office, including those prescribed by this subpart, (3) a certification by the responsible civil defense authority that he has satisfied himself that the named civil defense radio officer is fully qualified in accordance with the provisions of § 12.214, and (4) the effective date of the appointment of the civil defense radio officer and the name of any previous civil defense radio officer whose appointment is terminated.

(b) FCC Form No. 432, when completed in accordance with this section, shall be forwarded to the Commission via the responsible state (or territorial) and federal civil defense officials whose approval (or disapproval) shall be clearly indicated on the form.

§ 12.214 *Qualifications of Civil Defense Radio Officer.* No person shall be considered qualified as a civil defense radio officer until he shall have been found to satisfy the following minimum requirements:

(a) He shall hold either (1) a valid commercial radio operator's license of either first or second class (radiotelegraph or radiotelephone) issued by the Commission, or (2) a valid amateur operator license issued by the Commission, other than the Technician or Novice Class.

(b) A determination shall have been made as to his loyalty to the United States and his general reliability, in accordance with the procedures provided in the approved civil defense communications plan of the area concerned.

(c) It shall have been determined that his technical and administrative qualifications are adequate for the proper performance of his duties.

§ 12.215 *Duties of Civil Defense Radio Officer.* The duties of the Civil Defense Radio Officer shall include among such other duties as may be assigned or as may be required in accordance with the provisions of this subpart.

(a) The direction and supervision of all radio stations forming the radio amateur civil emergency networks in accordance with the approved civil defense communications plan for the area involved.

(b) Provision for adequate monitoring of all transmissions of the stations under his supervision to assure compliance with the rules and regulations of the Commission, and to guard against improper use of the radio stations and intentional or inadvertent transmissions which might jeopardize the defense or security of the United States.

(c) The recommendation to the Commission for the granting of authorizations to individual amateurs for operation in this service, and certification to the Commission as to the loyalty to the United States and reliability of such

individuals and the certification required in accordance with § 12.223.

(d) The recommendation to the Commission for cancellation of any authorization previously recommended or certified whenever subsequent investigation or circumstances indicate that the original recommendation or certification should not have been made.

STATION AUTHORIZATIONS

§ 12.221 *Station authorization required.* No radio station may be operated in the Radio Amateur Civil Emergency Service except pursuant to an authorization for such operation issued by the Federal Communications Commission.

§ 12.222 *Eligibility for station authorization.* An authorization to operate a station in the Radio Amateur Civil Emergency Service will be issued only to a person who holds an amateur radio operator license, other than Technician or Novice Class, and an appropriate amateur radio station license.

§ 12.223 *Filing of application.* Each application for a station authorization shall be submitted on FCC Form 481-1, signed under oath or affirmation by the applicant and countersigned by the appropriate civil defense radio officer, who shall certify to the following:

(a) That the applicant has satisfied all requirements (both local and federal) for participation in the civil defense organization and is actually enrolled as a member of the local organization which serves the area where the station will operate.

(b) That the amateur station licensed in the name of the applicant has been approved for and, when authorized by the Commission, will actually constitute a unit of a civil defense communications network in accordance with an approved civil defense communications plan or amendment thereof.

§ 12.224 *Additional data required.* Each application for a station authorization in the Radio Amateur Civil Emergency Service shall be accompanied by the following data unless such material has already been submitted to the Commission, in which case the application shall clearly identify the material previously submitted:

(a) A copy of the approved communications plan (as defined in this part) for the civil defense communications network in which the station will operate, together with a copy of each approved amendment, change or modification of that plan.

(b) The official certification of the Civil Defense Radio Officer as provided in this subpart.

§ 12.225 *Single application for all equipment under one amateur station license.* Only one application need be filed for any one amateur station, including all transmitting equipment under the control of the licensee of that station, even though individual units of such station are capable of being operated and are intended to be operated independently at different locations, or as portable or mobile stations with no fixed locations. No distinction need be

made between those units which are personally owned by the amateur station licensee and those units which are otherwise under his technical control for operation in this service.

§ 12.226 *Issuance of station authorization.* An authorization to operate in this service, will be issued in the discretion of the Commission upon satisfactory completion of all requirements of this subpart and proper certification that the requirements of the civil defense organization for which the station will be used have been or are being complied with. The station authorization (Form 481-2) will be forwarded to the Civil Defense Radio Officer for delivery to the applicant. Such authorization will be accompanied by a stub (Form 481-3) which may be retained by the civil defense radio officer for his records.

§ 12.227 *Term of station authorization.* (a) Authorization to operate an amateur station in the Radio Amateur Civil Emergency Service will be issued for a term running concurrently with the term of the amateur radio station license. Application for renewal of such authorization shall be filed concurrently with application for renewal of the basic amateur radio station license.

(b) Whenever, under rules contained in Subpart A of this part, modification of the basic amateur station license becomes necessary, if such modification affects the information submitted with the original application for a license in this service, application for modification of the Radio Amateur Civil Emergency station license shall be submitted concurrently therewith.

(c) Nothing in this section shall be construed to alter or amend the temporary nature of a station authorization in the Radio Amateur Civil Emergency Service and the Commission's authority to cancel or amend it in accordance with the applicant's agreement as indicated on the initial application for station authorization.

§ 12.228 *Cancellation of station authorization.* (a) Each authorization for operation in the Radio Amateur Civil Emergency Service shall be issued with the express provision that such authorization is subject to revocation or cancellation without hearing whenever, in the opinion of the Commission, the security of the United States or the proper functioning of the Radio Amateur Civil Emergency Service would be served thereby, or termination of the national emergency makes it unnecessary to continue the operation of stations in this service.

(b) The station authorization shall be submitted to the Commission (via the Civil Defense Radio Officer) for cancellation under the following circumstances:

(1) The station for which the authorization was issued becomes inactive for a period of three months or it is not planned to use the station in the radio amateur civil emergency network for a period of at least three months.

(2) The basic amateur radio station license of the station has expired and has not been renewed.

(3) In cases where the amateur radio station license and the radio amateur civil emergency station authorization have both been modified, the original authorization of the latter shall be submitted to the Commission immediately upon receipt by the licensee of a new or modified authorization.

TECHNICAL REQUIREMENTS

§ 12.231 *Frequencies available.* (a) The following tabulation indicates the frequency bands, within the regularly allocated amateur frequency bands, which are available for use by stations in the Radio Amateur Civil Emergency Service. These frequency bands may be used, on a non-exclusive basis, by the classes of radio amateur civil emergency stations or units of such stations indicated, and only with the types of emission shown in the right-hand column.

(1) For use only by authorized stations or units of such stations which are operated under the direct supervision of duly designated and responsible officials of the civil defense organization:

Frequency band:	Authorized emission
1800-1825 kc ¹ -----	0.1A1, 6A3.
1875-1900 kc ¹ -----	0.1A1, 6A3.
1900-1925 kc ¹ -----	0.1A1, 6A3.
1975-2000 kc ¹ -----	0.1A1, 6A3.
3500-3510 kc-----	0.1A1, 1.1F1.
3990-4000 kc-----	0.1A1, 1.1F1, 6A3, 6F3.

¹ Use of frequencies in the band 1800-2000 kc is subject to the priority of the Loran system of radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 12.111 of the rules governing amateur radio stations and operators (Subpart A of this part). The use of these frequencies by stations authorized to be operated in the Radio Amateur Civil Emergency Service shall not be a bar to expansion of the radionavigation (Loran) service, and such use shall be considered temporary in the sense that it shall remain subject to cancellation or to revision, in whole or in part, without hearing, whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(2) For use by all authorized stations:

Frequency band:	Authorized emission
28.55-28.75 Mc-----	0.1A1, 6A3, 6A4, 6F3.
29.45-29.65 Mc-----	0.1A1, 1.1F1, 6A3, 6A4, 40F3.
50.35-50.75 Mc-----	0.1A1, 6A2, 6A3, 6A4, 6F3.
53.35-53.75 Mc-----	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.
145.17-145.71 Mc-----	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.
146.79-147.33 Mc-----	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.
220-225 Mc-----	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.

(b) The selection and use of specific frequencies within the authorized frequency bands by stations in the Radio Amateur Civil Emergency Service shall be in accordance with a coordinated local area and adjacent area civil defense communications plan and applicable rules of this part.

(c) At such time as any or all of these frequency bands are withdrawn from availability to stations operating in the Amateur Radio Service, such bands shall be jointly available to stations in the Radio Amateur Civil Emergency Service

and to stations in the military services for training and tactical operations. At that time, in areas where interference might occur, local mutual arrangements shall be made regarding times of operation such as to preclude or satisfactorily alleviate interference. In time of actual civil defense emergency, stations in the Radio Amateur Civil Emergency Service shall have absolute priority.

§ 12.232 *Classification of emissions.* (a) For the purposes of this subpart, the authorized emissions, as contained in the table of § 12.231, are defined as follows:

0.1A1—Continuous wave telegraphy.
1.1F1—Frequency shift telegraphy.
6A2—Telegraphy amplitude modulated at audio frequency.
6F2—Telegraphy frequency modulated at audio frequency.
6A3—Commercial quality amplitude modulated telephony.
6F3—Narrow band frequency or phase modulated telephony.
40F3—Wide band frequency or phase modulated telephony.
6A4—Amplitude modulated facsimile.

(b) On frequencies where wide band frequency or phase modulated telephony (40F3) is authorized, narrow band frequency or phase modulated telephony (6F3) may also be employed; similarly, where commercial quality amplitude modulated telephony (6A3) is authorized, single or double sideband amplitude modulated telephony, with or without carrier or with reduced carrier, may also be employed.

§ 12.233 *Transmitter power.* The transmitting equipment of a radio station in this service shall be adjusted in such manner as to produce the minimum radiation necessary to carry out the communications desired. No station operating in this service shall use a direct current plate power input to the vacuum tube or tubes supplying energy to the antenna in excess of that permitted to be used by a licensed amateur radio station when operated on the same frequencies or in the same frequency bands in accordance with the provisions of the rules governing amateur radio stations and operators (Subpart A of this part).

§ 12.234 *Equipment requirements.* (a) Except under the conditions specified in paragraph (b) of this section, all stations authorized to be operated in the Radio Amateur Civil Emergency Service shall be capable of receiving on the same frequencies or frequency bands utilized for transmission.

(b) When a station in this service is operated only on a single frequency or frequency band for cross-band operation in communication with a station or stations operating on another frequency or in another frequency band, or in other services, such station shall be capable of receiving the station with which it is communicating.

(c) The direct modulation of an oscillator with a frequency stability less than that obtainable with crystal control, or the radiation of a signal having simultaneous amplitude and frequency or phase modulation, is prohibited on frequencies below 220 Mc after December 31, 1952.

§ 12.235 *Alleviation of harmful interference.* (a) When emissions of stations in the Radio Amateur Civil Emergency Service, other than those necessary to carry on the desired communications, cause harmful interference to stations in this or any other service, the Commission may, in its discretion, require appropriate technical changes in the equipment to alleviate the interference.

(b) When the emissions of stations in the Radio Amateur Civil Emergency Service that are necessary to carry on the desired communications cause harmful interference to stations in other radio services, appropriate action shall be taken to alleviate such interference including, if necessary, the suspension (except during times of an actual state of civil emergency) of such emissions as cause the interference.

OPERATING REQUIREMENTS

§ 12.241 *Operator requirements.* (a) No person shall operate a station in the Radio Amateur Civil Emergency Service unless (1) that person holds a valid radio operator license of the proper grade, as described in this section, and (2) that person holds a valid written certification by the chief of the local, regional, or state Civil Defense organization of the area in which he serves that he has satisfied all federal, state, and local requirements for enrollment in the Civil Defense organization as a radio operator and is actually enrolled therein. Such certification shall clearly indicate that a determination has been made as to his loyalty to the United States and general reliability in accordance with the procedures described in the approved civil defense communications plan for the area concerned. (See §§ 12.201 (i) and 12.212.)

(b) The person manipulating the key of a manually operated radio-telegraph transmitter of a station authorized to operate in this service shall hold either (1) any class of amateur operator license issued by the Commission, other than the Technician or Novice Class, or (2) any class of commercial radiotelegraph operator license issued by the Commission other than the Temporary Limited Radiotelegraph Second Class Operator License, together with the certification required in accordance with the provisions of paragraph (a) of this section.

(c) Except as specifically provided in paragraphs (a) and (b) of this section, any station in the Radio Amateur Civil Emergency Service may be operated by the holder of any class of amateur or commercial radio operator license issued by the Commission other than a Temporary Limited Radiotelegraph Second Class Operator License or an Aircraft Radiotelephone Operator Authorization; *Provided*, That, when such operation is performed by the holder of a Novice Class amateur operator license or by the holder of a commercial radiotelephone or radiotelegraph third class operator license or restricted operator permit; (1) such operator shall be prohibited from making any adjustments that may result in improper transmitter opera-

tion, (2) the equipment shall be so designed and installed that none of the operations necessary to be performed during the course of the normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station shall be regularly made by or under the immediate supervision and responsibility of the holder of either an amateur operator license other than the Novice Class or a commercial radiotelephone or radiotelegraph first or second class operator license.

(d) All adjustments or tests during or coincident with the installation, servicing or maintenance of the transmitting equipment of a station in this service shall be made only by or under the immediate supervision and responsibility of the holder of either (1) an amateur operator license other than the Novice Class or (2) a commercial radiotelephone or radiotelegraph first or second class operator license issued by the Commission, who in addition holds the certification required in accordance with the provisions of paragraph (a) of this section.

§ 12.242 *Operation at other than licensed location.* A station in this service, or any unit thereof, may be operated at any location in accordance with the approved civil defense communications plan for the area concerned, in the discretion of and as directed by the Civil Defense Radio Officer, without notice to the Commission and without limitation as to the length of time within which such operation takes place; *Provided*, That nothing in this section shall be construed to waive the necessity for modification of the authorization of a station in this service when the address of the licensee or the basic location of the station is changed, or for any other reason where, because of a change of the communications plan or other reason, the information heretofore furnished the Commission with the original application may be materially altered or changed.

§ 12.243 *Availability of station authorizations and operator licenses.* (a) The original station authorization permitting operation of the licensed amateur station in the Radio Amateur Civil Emergency Service, or a photocopy thereof, shall be permanently attached to each transmitter of such station, including each transmitter which is capable of being operated and intended to be operated independently at different locations, if the transmitter is readily accessible, or, if the control position is located at a place other than the transmitter location, it may be posted at the control position; *Provided*, That, whenever a photocopy of the station authorization is utilized in compliance with the foregoing requirement, the original station authorization shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

(b) The original radio operator license, or a verification card (FCC Form 758-F) in the case of the holder of a commercial radio operator license of the

diploma type, of the operator controlling the emissions of a station authorized to be operated in this service together with the certification required by § 12.241 (a) shall be carried on his person or kept immediately available at the place where he is operating the station or any independent unit of a station; *Provided*, That, whenever a verification card (FCC Form 758-F) is utilized in compliance with the foregoing requirement, the original operator license shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

(c) When a licensed amateur station, or an independent unit of such station, is operated at a location other than that shown in its license in compliance with the provisions of this subpart, the basic amateur station license required by Subpart A of this part need not be readily available at the station or unit location, but shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

§ 12.244 *Radio station log.* (a) Except as otherwise expressly provided in this subpart, there shall be maintained at each radio amateur civil emergency station, or unit of such station, an accurate log of all operations. The following information shall be recorded in such station log:

(1) The name and address of the station licensee, the regularly assigned call sign of the station and unit number if any, the name of the radio amateur civil emergency network or networks in which the station is normally operated, and the d. c. plate power input to the vacuum tube or tubes supplying energy to the transmitting antenna system. This information need be entered only once in the log unless there is a change in any of the above items, but the original entry and each change shall show the date on which the entry was made.

(2) The date and time of beginning and end of each period during which the station was operated, the purpose of such operation, and the frequencies or bands of frequencies on which the operation took place.

(3) The call signs or other identification of all stations or units of such stations with which communications are established or attempted during such period of operation.

(4) The signature of the licensed operator on duty and in charge of the operation of the station or unit of such station during each period of operation, and the signature of each licensed operator who manipulated the key of any manually operated radiotelegraph transmitter of such station or unit. The signature of the operator shall be entered with the date and time at the beginning and end of each period during which he performed the foregoing duties, and at least once on each page additional to the first page, covering the period for which he was the responsible operator. The signatures of any additional operators who operate the transmitter(s) during the regular watch of another operator and details to indicate the periods during

which they operated the transmitter(s) shall be entered in the proper form.

(5) Upon completion of each period of operation for any purpose, there shall be entered in the log a summary of such operation describing the nature thereof and, if message traffic or other record communications were exchanged with other stations, an estimate of the amount of such traffic handled together with a report on any unusual delays which were experienced in the delivery of such messages.

(6) There shall be no erasure, obliteration, or destruction of any part of the log of any station or station unit. Corrections shall be made by striking out the erroneous portion and initialing and dating the corrections.

(b) Mobile radio amateur civil emergency stations or station units, and portable radio amateur civil emergency stations or station units, where not being operated at pre-determined fixed locations, shall be exempt from the requirements of maintaining a log to the extent that the entries required under the preceding paragraph of this section are substantially contained in the log of another station or stations operating in the same radio amateur civil emergency networks. All stations or station units operating in accordance with the provisions of this subpart shall be exempt from the requirements concerning station logs contained in Subpart A of this part whenever it is shown that compliance with these requirements would interfere with the expeditious handling of civil defense communications or communication drills.

(c) The current portion of the log shall be kept at the location of the operating or control position of the station or unit. Other portions of the log shall be retained by the licensee for a period of one year, at a place determined by the civil defense Radio Officer to be appropriate and advisable: *Provided*, That the logs of a station in this service shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government: *And provided further* That those portions of any log covering operation of a station in this service in connection with any actual condition jeopardizing the public safety or affecting the national defense or security shall not be destroyed unless prior approval for such destruction shall have been received from the Commission.

§ 12.245 *Station identification.* (a) Stations operating in the Radio Amateur Civil Emergency Service shall identify themselves in the same manner and under the same conditions as prescribed in the rules governing Amateur Radio Stations and Operators (Subpart A of this part) except that:

(1) Additional designators to indicate portable or mobile operation, or to indicate operation at a location other than that specified in the station license, shall not be used.

(2) When engaged in network operation, after a station or unit has been fully identified at least once, further identification by that station or unit may be accomplished by the use of abbreviated call signs or other distinctive sig-

nals prescribed by the civil defense Radio Officer in lieu of the call signs otherwise required to be transmitted by that station or unit. A record of such abbreviated call signs or other distinctive signals shall be maintained by the Radio Officer and shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government.

(b) When two or more separate units of a station, which is authorized to be operated in the Radio Amateur Civil Emergency Service, are operated independently at different locations, each unit shall separately identify itself by the addition of a unit number at the end of its call sign. When transmitting by telegraphy such additional identification shall immediately follow the basic call sign and to avoid confusion with portable or mobile indicators, shall not be separated therefrom by the use of the "slant" or fraction bar, or other punctuation mark or symbol.

§ 12.246 *Tactical call signs.* Stations operating in this service, and independent units of such stations, may be assigned tactical or secret call signs by the Commission or by competent civil defense authority, and may utilize such tactical call signs in lieu of the call signs appearing on the station licenses when such use is directed by competent civil defense authority: *Provided*, That a list of all such tactical call signs assigned stations under his direction shall be maintained by the civil defense Radio Officer and shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government: *And provided further* That when such tactical call signs are intended to be used at times other than during communications in connection with actual or impending conditions which appear to jeopardize the defense or security of the United States, a list of such tactical call signs and the stations or units to which assigned shall be furnished the Commission prior to such use.

USE OF STATIONS

§ 12.251 *Limitations on use of stations.* (a) No station authorized to be operated at this service, other than a control station as defined in this subpart, shall be operated for the purpose of transmitting any signal, message, or other communications except with the permission and under the operational control of the control station of the network in which it is operating: *Provided*, That nothing in the foregoing shall be construed to prohibit the transmission by any station or unit of a station of such signals as may be necessary for the purpose of alerting or making contact with the control station of the network, or for the purpose of transmitting actual emergency civil defense communications if the control station is disabled or is otherwise inoperative.

(b) Nothing in this section shall be construed to prevent the operation of a station which is authorized to be operated in this service for the purpose of brief tests or adjustments during or coincident with the installation, servicing or maintenance of such station: *Pro-*

vided, That the transmissions of that station during such tests or adjustments shall not cause harmful interference to the conduct of communications by any other station.

(c) No station in this service shall be used to transmit or to receive messages for hire, nor to transmit communications for material compensation, direct or indirect, paid or promised.

§ 12.252 *Hours of operation.* Stations in this service may be operated at such times and under such conditions as may be prescribed by the Communications Officer or other responsible official of the civil defense organization having jurisdiction over the area which the station will serve: *Provided*, That the communications of such stations shall at all times be in accordance with the permissible communications authorized in this subpart.

§ 12.253 *Points of communication.* Stations in this service may communicate with each other, with stations in the Disaster Communications Service, and with stations of the United States Government which are authorized to exchange communications with stations in this service by the particular agency having control. In addition, stations in this service may communicate, for the purpose of exchanging civil defense communications, with any other station in any service provided by the Commission's rules, whenever such station is authorized to communicate with stations in the Radio Amateur Civil Emergency Service by the provisions of the Commission's rules governing the class of station concerned or in accordance with the provisions of § 2.405 of this chapter.

§ 12.254 *Permissible communications.* Stations in this service are authorized to transmit only the following types of civil defense communications:

(a) Communications for training purposes: Necessary drills and tests to insure establishment and maintenance of orderly and efficient operation of the radio amateur civil emergency networks and such other radio stations and networks as may be associated therewith for the conduct of civil defense communications, including communications directly concerned with the conduct of practice alerts, practice blackouts, practice mobilization, and other comparable situations as may be ordered or initiated by competent civil defense authority or by the United States governmental or military authority charged with the defense of the area concerned. All messages which are transmitted in connection with such drills and tests shall be clearly identified as such by the use of the words "Drill" or "Test" in the body of such messages.

(b) Communications when there is an impending or actual condition jeopardizing the public safety or affecting the national defense or security:

(1) Communications directly concerning the activation of the radio amateur civil emergency station networks or such other radio stations and networks as may be associated with the networks for the conduct of civil defense communications.

(2) Communications directly concerning the conduct of service by the radio amateur civil emergency networks and such other radio stations and networks as may be associated therewith.

(3) Communications directly concerning safety of life, preservation of property, maintenance of law and order, alleviation of human suffering and need, and combating of armed attack or sabotage.

(4) Communications directly concerning the accumulation and dissemination of public information or instructions to the civilian population essential to the activities of the civil defense organization or that of other-authorized governmental or relief agencies.

(5) Communications directly concerning the transaction of business essential to public welfare

§ 12.255 *Use of codes and ciphers.* Any station in this service is authorized to transmit messages in codes and ciphers and to utilize any method of secret or coded authentication of its transmissions when such method of concealing the contents of messages or such authentication procedure is prescribed by the competent civil defense authority of the area concerned and shall, in general, proved by the cognizant federal civil defense authorities.

§ 12.256 *Priority of communications.* The order of priority of communications by stations in this service, when there is an impending or actual condition jeopardizing the public safety or affecting the defense or security of an area, shall be determined by the cognizant civil defense authority of the area concerned or his authorized representative.

§ 12.257 *Operating procedure.* The operating procedure, and the method of circuit control by the control station of each network, shall be determined by the responsible civil defense authority of the area served by the station and is conform as nearly as possible to the operating procedure normally followed in other services in the expeditious handling of message traffic by the method of transmission in use.

APPENDIX 1

EXAMINATION POINTS

Examinations for amateur radio operator licenses are conducted at the Commission's office in Washington, D. C., Monday through Friday, except holidays (office hours are from 8:30 a. m. to 5 p. m.), and at each radio district office of the Commission on the days designated by the Engineer in Charge of the office. Specific dates should be obtained from the Engineer in Charge. For a list of such offices see the following pages.

Examinations are also given frequently, by appointment, at the Commission's offices at the following points:

Tampa, Fla. Mobile, Ala.
Juneau, Alaska. Savannah, Ga.
Anchorage, Alaska. San Diego, Calif.

Examinations are also given at greater intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices, for such locations. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY POINTS

Birmingham, Ala. Nashville, Tenn.
Charleston, W. Va. Oklahoma City, Okla.
Cincinnati, Ohio. Omaha, Nebr.
Cleveland, Ohio. Phoenix, Ariz.
Columbus, Ohio. Pittsburgh, Pa.
Corpus Christi, Tex. St. Louis, Mo.
Davenport, Iowa. Salt Lake City, Utah.
Des Moines, Iowa. San Antonio, Tex.
Fort Wayne, Ind. Schenectady, N. Y.
Fresno, Calif. Sioux Falls, S. Dak.
Grand Rapids, Mich. Syracuse, N. Y.
Indianapolis, Ind. Tulsa, Okla.
Jackson, Miss. Williamsport, Pa.
Knoxville, Tenn. Winston-Salem, N. C.
Little Rock, Ark. N. C.
Memphis, Tenn.
Milwaukee, Wis.

SEMIANNUAL

Albuquerque, N. Mex. El Paso, Tex.
Amarillo, Tex. Hartford, Conn.
Bakersfield, Calif. Hilo, Hawaii, T. H.
Boise, Idaho. Jacksonville, Fla.
Butte, Mont. Lihue, Kauai, T. H.
 Louisville, Ky.

SEMIANNUAL—continued

Portland, Maine. Wichita, Kans.
Roanoke, Va. Wilmington, N. C.
Spokane, Wash. Walluku, Maui, T. H.
Tucson, Ariz.

ANNUAL

Bangor, Maine. Marquette, Mich.
Billings, Mont. Rapid City, S. Dak.
Jamestown, N. Dak. Springfield, Mo.
Klamath Falls, Oreg. Tallahassee, Fla.
Manchester, N. H.

Arrangements have also been made, including cooperation of other Federal agencies, for General Class examinations in outlying areas as follows:

Alaska: United States Signal Corps stations.
Guam: District Communications Officer, United States naval station.
Hawaii: At not exceeding one point on any island, by the Engineer in Charge (Honolulu).
Canal Zone: By the Engineer in Charge, District 22 (San Juan, P. R.).

RADIO DISTRICTS

Radio district	Address of the engineer in charge	Territory within district	
		States, etc.	Counties
1	1600 Customhouse, Boston 9 Mass.	Connecticut..... Maine..... Massachusetts..... New Hampshire..... Rhode Island..... Vermont.....	All counties. Do. Do. Do. Do. Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New Jersey..... New York.....	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren. Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	Room 1005, New United States Customhouse, 2nd and Chestnut Sts., Philadelphia 6, Pa.	Delaware..... New Jersey..... Pennsylvania.....	New Castle. Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem. Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	508 Old Town Bank Bldg., Gay St. and Fallsway, Baltimore 2, Md.	Delaware..... Maryland..... Virginia..... West Virginia.....	Kent and Sarcox. All except district 24. Clarke, Fairfax except district 24, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren. Barber, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Mason, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur.
5	Room 402, Federal Bldg., Norfolk 10, Va.	North Carolina..... Virginia.....	All except district 6. All except districts 4 and 24.
6	411 Federal Annex, Atlanta 3, Ga. Suboffice, P. O. Box 77, 214 Post Office Bldg., York and Bull Sts., Savannah, Ga.	Alabama..... Georgia..... North Carolina.....	All counties. All counties. All counties.
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla. Suboffice, 410 P. O. Bldg., Florida Ave., Tampa 2, Fla.	South Carolina..... Tennessee..... Florida.....	All counties. Do. All except district 8.
8	400 Audubon Bldg., New Orleans 16, La. Suboffice, 419 U. S. Court-house and Customhouse, Mobile 10, Ala.	Alabama..... Arkansas..... Florida..... Louisiana..... Mississippi..... Texas..... Texas.....	Baldwin and Mobile... All counties. Escambia. All counties. Do. City of Texasiana only. Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Duval, Dumas, Edwards, Fayette, Fort Bend, Fort Gibson, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Hays, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kennedy, Kendall, Kerr, Kinney, Kibberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Wilbrey, Williamson, Wilson, Zapata, Zavala, and Tyler.

RADIO DISTRICTS—Continued

Radio district	Address of the engineer in charge	Territory within district	
		States, etc.	Counties
10	P. O. Box 5238, 500 U. S. Terminal Annex Bldg., Houston, and Jackson Sts., Dallas 2, Tex.	New Mexico Oklahoma Texas	All counties. Do. All except district 9 and the city of Texarkana.
11	539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif. Suboffice, 15-O U. S. Customhouse Bldg., Union and "F" Sts., San Diego 1, Calif.	Arizona California Nevada	All counties. Imperial, Inyo, Kern; Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura. Clark.
12	323-A Customhouse, San Francisco 26, Calif.	California	All except district 11.
13	307 Fitzpatrick Bldg., 918 S. W. Oak St., Portland 5, Oreg.	Nevada Idaho Oregon Washington	All except Clark. All except district 14. All counties. Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	801 Federal Office Bldg., Seattle 4, Wash.	Idaho Montana Washington	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis Nez Perce, and Shoshone. All counties. All except district 13.
15	521 New Customhouse, 19th St. between California and Stout Sts., Denver 2, Colo.	Colorado Utah Wyoming Nebraska	All counties. Do. Do. Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
16	208 Uptown Post Office and Federal Courts Bldg., 5th and Washington Sts., St. Paul 2, Minn.	South Dakota Minnesota Michigan	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, Washington. All counties. Alger Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
17	3200 Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.	South Dakota North Dakota Wisconsin Iowa Kansas Missouri Nebraska	All except district 15. All counties. All except district 18. Do. All counties. Do. All except district 15.
18	826 U. S. Courthouse, 219 South Clark St., Chicago 4, Ill.	Illinois Indiana Iowa Wisconsin	All counties. Do. Allameekee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn Louisa, Muscatine, Scott Washington, and Winnebuck. Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan Walworth, Washington, Waukesha, and Winnebago.
19	1029 New Federal Bldg., Detroit 26, Mich.	Kentucky do. Ohio Michigan West Virginia New York Pennsylvania	All except district 19. Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe, Woodford. All counties. All except district 16. All except district 4. All except district 2. All except district 3.
20	328 Post Office Bldg., Ellicott and Swan Streets, Buffalo 3, N. Y.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
21	502 Federal Bldg., Honolulu 1, T. H.	Puerto Rico. Virgin Islands.	
22	P. O. Box 2987, 322-323 Federal Bldg., San Juan 13, P. R.	Alaska	
23	P. O. Box 1421, 7-8 Shattuck Bldg., Third and Seward Sts., Juneau, Alaska. Suboffice, 53 U. S. P. O. and Court House, P. O. Box 644, Anchorage, Alaska.		
24	104 Briggs Bldg., 22d and E NW., Washington 25, D. C.	District of Columbia Maryland Virginia	Within 10 miles of the District of Columbia boundary. Do.

to the public telecommunications service is not justified. It is absolutely forbidden for amateur stations to be used for transmitting international communications on behalf of third parties.

(2) The preceding provisions may be modified by special arrangements between the countries concerned.

Sec. 3. (1) Any person operating the apparatus in an amateur station must have proved that he is able to transmit, and to receive by ear, texts in Morse code signals. Administrations concerned may, however, waive this requirement in the case of stations making use exclusively of frequencies above 1000 (one thousand) Mc/s.

(2) Administrations shall take such measures as they judge necessary to verify the qualifications, from a technical point of view, of any person operating the apparatus of an amateur station.

Sec. 4. The maximum power of amateur stations shall be fixed by the administrations concerned, having regard to the technical qualifications of the operators and to the conditions under which these stations must work.

Sec. 5. (1) All the general rules of the Convention and of the present Regulations shall apply to amateur stations. In particular, the transmitting frequency must be as constant and as free from harmonics as the state of technical development for stations of this nature permits.

(2) During the course of their transmissions amateur stations must transmit their call sign at short intervals.

APPENDIX 3

CLASSIFICATION OF EMISSIONS

For convenient reference the tabulation below is extracted from the "Classification of Emissions" tables in Part 2 of the Commission's Rules and Regulations and in the Atlantic City (1947) Radio Regulations, and it includes only those general classifications which appear most applicable to the Amateur Radio Service.

Type of modulation or emission	Type of transmission	Symbol
1. Amplitude.....	Absence of any modulation..	A0
	Telegraphy without the use of modulating audio frequency (on-off keying).	A1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission).	A2
	Telephony.....	A3
	Facsimile.....	A4
	Television.....	A5
2. Frequency (or phase) modulated.	Absence of any modulation..	F0
	Telegraphy without the use of modulating audio frequency (frequency shift keying).	F1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency).	F2
	Telephony.....	F3
	Facsimile.....	F4
	Television.....	F5
3. Pulsed emissions.	P

APPENDIX 4

Convention Between the United States of America and Canada, Relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country (Effective May 15, 1952)

ARTICLE III

It is agreed that persons holding appropriate amateur licenses issued by either country

APPENDIX 2

EXTRACTS FROM RADIO REGULATIONS ANNEXED TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION (Atlantic City, 1947)

ARTICLE 42—AMATEUR STATIONS

SECTION 1. Radiocommunications between amateur stations of different countries shall

be forbidden if the administration of one of the countries concerned has notified that it objects to such radiocommunications.

Sec. 2. (1) When transmission between amateur stations of different countries are permitted they must be made in plain language and must be limited to messages of a technical nature relating to tests and to remarks of a personal character for which, by reason of their unimportance, resource

may operate their amateur stations in the territory of the other country under the following conditions:

(a) Each visiting amateur may be required to register and receive a permit before operating any amateur station licensed by his government.

(b) The visiting amateur will identify his station by—

(1) *Radiotelegraph operation.* The amateur call sign issued to him by the licensing country followed by a slant (/) sign and the amateur call sign prefix and call area number of the country he is visiting.

(2) *Radiotelephone operation.* The amateur call sign in English issued to him by the licensing country followed by the words, "fixed," "portable" or "mobile" as appropriate, and the amateur call sign prefix and call area number of the country he is visiting.

(c) Each amateur station shall indicate at least once during each contact with another station its geographical location as nearly as possible by city and state or city and province.

(d) In other respects the amateur station shall be operated in accordance with the laws and regulations of the country in which the station is temporarily located.

[F. R. Doc. 53-9911; Filed, Nov. 27, 1953; 8:46 a. m.]

PART 14—RADIO STATIONS IN ALASKA (OTHER THAN AMATEUR AND BROADCAST)

In the matter of amendment of Part 14 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 14 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) 5 (d) (1) and 303 (r) of the Communications Act of 1934; as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 20th day of November 1953, that, effective immediately, Part 14 of the Commission's rules and regulations is revised as set forth below.

Released: November 23, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

GENERAL

- Sec. 14.1 Scope of part.
- 14.2 Place of filing applications.
- 14.3 Emergency service which may be rendered.
- 14.4 License period.
- 14.5 Frequencies.

FIXED PUBLIC SERVICE

14.10 Frequencies for communication from non-Government to Government and between non-Government stations.

- Sec. 14.14 Frequencies for short distance communication from non-Government to Government stations.
- 14.15 Frequencies for short distance communication between non-Government stations.

PUBLIC COAST STATIONS

- 14.31 Frequencies for communication with ships in Alaskan waters.
- 14.32 Frequencies for short distance communication from non-Government to Government stations and secondarily with ships in Alaskan waters.
- 14.33 Frequencies for communication with any ship station.

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

- 14.51 Service which may be rendered.
- 14.52 Frequencies for communication between ships and with public coast stations employing primarily telephony.
- 14.53 Frequencies for communication from non-Government to Government stations and secondarily with coast stations employing primarily telephony.
- 14.54 Frequencies for ship stations.

AUTHORITY: §§ 14.1 to 14.54 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 165.

GENERAL

§ 14.1 *Scope of part.* The general rules and regulations for individual services shall apply to stations located in the Territory of Alaska so far as may be consistent with this part.¹

§ 14.2 *Place of filing applications.* All applications for the operation of stations in Alaska covered by this part other than ship stations shall be filed with the Commission's Engineer in Charge at Seattle, Washington.

§ 14.3 *Emergency service which may be rendered.*² Any station in Alaska, regardless of the class in which licensed, may transmit messages concerning sickness, death, weather, ice conditions or other matters relating to safety of life and property, provided:

(a) There is no established means of communication between the points in question.

(b) No charge is made for the communication service.³

(c) A copy of each message so transmitted is kept on file at the transmitting station for a period of one year, to be made available upon request by authorized Government representatives.⁴

§ 14.4 *License period.* (a) The normal license period for each radio station in Alaska which operates in the Fixed Public Service or Public Coast Service shall be two years. Such licenses will be issued to expire concurrently on January 1 of the expiration year and, to

¹ For definitions see Parts 6, 7 and 8 of this chapter.

² See § 2.405 of Part 2 of this chapter.

³ The conditions under which common carriers are permitted to render free service are set forth in Part 41—Telegraph and Telephone Franks, of this chapter.

⁴ Rules relating to station logs and records, see §§ 6.47 and 6.507 to 6.511 of Part 6; §§ 7.115, 7.192, 7.214 and 7.314 of Part 7 and §§ 8.115, 8.194, 8.330 and 8.368 of Part 8 of this chapter.

achieve such scheduling, the Commission may, when necessary, modify the length of the license term.

(b) The license period for each radio station operating in Alaska, other than stations referred to in paragraph (a) of this section, shall coincide with the term established for similar stations operating in the continental United States, and may be determined by reference to the rules and regulations governing individual radio services.⁵

§ 14.5 *Frequencies.* In addition to the frequencies specifically shown in this part, other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

FIXED PUBLIC SERVICE⁶

§ 14.10 *Frequencies for communication from non-Government to Government and between non-Government stations.* The following frequency is allocated for communication from non-Government to Government stations, and between non-Government stations using A1 emission, maximum authorized transmitter power 650 watts: 149.60 kc.

§ 14.14 *Frequencies for short-distance communication from non-Government to Government stations.* The following frequencies are allocated primarily for short-distance communication from non-Government to Government stations, using types A1, A2 and A3 emission provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services:⁶

2466	* 2632	* 5137.5	* 8070
2474	2986	* 5207.5	

(a) The frequencies 5207.5 and 8070 kc are also available for unlimited time operation for stations located in the Aleutian Islands west of 165 degrees west longitude.

§ 14.15 *Frequencies for short distance communication between non-Government stations.* The following frequencies are allocated primarily for short-distance communication between non-Government stations, using types A1, A2 and A3 emission, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services:⁷

1622	* 2292	2450	3201
1646	2382	2482	* 3265
1650	2422	2512	* 5167.5
1708	2430	2566	

⁶ See Part 6—Public Radiocommunications Services (Other Than Maritime Mobile), of this chapter.

⁷ The main intra-Alaska communications routes are operated by the Alaska Communications System under the jurisdiction of the U. S. Army Signal Corps. Those desiring to handle message traffic with this system should coordinate their applications with the nearest representative of the A. C. S. before submitting applications, in order to determine the proper frequency for transmission to the particular point or points desired.

⁸ Not to be used between the hours of 6:00 p. m. and 6:00 a. m., P. S. T.

⁹ May be used where originally authorized prior to March 1, 1937.

¹⁰ For use in the vicinity of Circle, Alaska.

PUBLIC COAST STATIONS¹⁰

§ 14.31 *Frequencies for communication with ships in Alaskan waters.* The following frequencies are allocated to public coast stations employing primarily telephony for communication with ships in Alaskan waters, using types A1, A2 and A3 emission, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services:

1622	*2292	2450	2566	*5167.5
1646	2382	2482	3092.5	
1660	2422	2512	3201	
1708	2430	2538	*3265	

§ 14.32 *Frequencies for short distance communication from non-Government to Government stations and secondarily with ships in Alaska waters.* The following frequencies, allocated primarily for short distance communication from non-Government to Government stations, are available on a secondary basis to public coast stations employing primarily telephony for communication with ships in Alaskan waters, using types A1, A2, and A3 emission, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services:

2466	2632	*5137.5	*8070
2474	2986	*5207.5	

(a) The frequencies 5207.5 and 8070 kc are also available for unlimited time operation for stations located in the Aleutian Islands west of 165 degrees west longitude.

§ 14.33 *Frequencies for communication with any ship station.* The following frequencies are allocated to public coast stations employing telegraphy for communication with any ship station:

(a) Calling and working: 416 and 438 kc; A1, A2 emission; maximum authorized transmitter power, 265 watts.¹¹

(b) Calling: 500 kc; A1, A2 emission; maximum authorized transmitter power, 265 watts.¹²

(c) Working: 2052.5 kc; A1 emission only; maximum authorized transmitter power, 150 watts.¹³

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES¹⁴

§ 14.51 *Service which may be rendered.* A ship in an Alaskan port where

radio or wire communication is not provided, or when such radio or wire service is suspended, may accept messages for transmission to the nearest public coast station, and the radio equipment may be operated while the ship is alongside the dock or at anchor in such port, without regard to the restrictions contained in Part 8 of this chapter.¹⁴

§ 14.52 *Frequencies for communication between ships and with public coast stations employing primarily telephony.* The following frequencies are allocated for communication between ships in Alaskan waters and to ship stations for communication with public coast stations employing primarily telephony in Alaska, using types A1, A2 and A3 emission, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services:

1622	*2292	2450	3092.5
1646	2382	2482	3201
1660	2422	2512	*3265
1708	2430	2566	*5167.5

§ 14.53 *Frequencies for communication from non-Government to Government stations and secondarily with coast stations employing primarily telephony.* The following frequencies, allocated primarily for short-distance communication from non-Government to Government stations, are available on a secondary basis for communication between ships in Alaskan waters and to ship stations for communication with public coast stations employing primarily telephony in Alaska, using types A1, A2 and A3 emission, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services:

2466	2632	*5137.5	*8070
2474	2986	*5207.5	

(a) The frequencies 5207.5 and 8070 kc are also available for unlimited time operation for ship stations operating in the Aleutian Islands waters, west of 165 degrees west longitude.

§ 14.54 *Frequencies for ship stations.* (a) The following frequency is allocated for use by ship stations in Alaskan waters in addition to those set forth in the general regulations: 2538 kc; A1, A2, A3 emission; maximum power, 100 watts.

(b) The frequency 2134 kc is allocated for use by ship stations in Alaskan waters for communication primarily with Government coast stations for types A1, A2 and A3 emission with a maximum power of 100 watts, upon the condition that no interference will result to other services.

(c) For communication by means of telegraphy with coast stations in Alaska when the coast station transmits on the frequency 2052.5 kc, each ship station shall transmit by means of class A1 emission only on one of its assigned frequencies with the band 2065-2107 kc exclusively, in accordance with the applicable provisions of Part 8 of this chapter.¹⁵ When the ship station is within the territorial waters of Alaska, the maximum plate (anode) input power shall not ex-

ceed 150 watts when transmitting on a frequency within this band; this limitation shall apply without regard to the maximum power authorized to be used on such frequencies by the station license.

[F. R. Doc. 53-9010; Filed, Nov. 27, 1953; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-9]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

FUEL QUANTITY INDICATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of November 1953.

Section 41.25 (k) of the Civil Air Regulations requires that fuel quantity indicators, in serviceable condition, indicating the amount of fuel in each tank, be provided in aircraft used in scheduled air carrier operations outside the continental limits of the United States. This requirement had been based upon the premise that there exists no suitable alternative means by which the quantity of fuel available in each fuel tank may be determined. An aircraft without such fuel indicators or with an inoperative fuel indicator would not be permitted to initiate a flight under Part 41. In the event a fuel quantity indicator becomes inoperative in flight during night or instrument operation the pilot in command must either land at the nearest suitable landing area or at the next point of intended landing, whichever in his opinion is the safer procedure. Thereafter, the flight may not be redispached until the fuel quantity indicator is returned to a serviceable condition.

A recent revision of Part 40 of the Civil Air Regulations has been adopted by the Board which provides greater flexibility than heretofore experienced by air carriers in the continuation of flight with required equipment inoperative. These provisions contemplate that a flight may continue to a scheduled terminus under conditions which are to be laid down in the air carrier manual. Revised Part 40 also authorizes the Administrator to permit continuation of flight beyond a scheduled terminus under certain conditions in which the safety of flight operations will not be jeopardized.

The Board intends that a proposal to amend the instrument and equipment requirements of Part 41 to conform to the provisions of revised Part 40 be included in the general revision of Part 41 which will be circulated in the near future. Meanwhile, however, the Board's attention has been drawn to the fact that § 41.25 (k) relating to fuel quantity indicators has been creating undue hardship for certain U. S. Flag Carriers. Certain fuel indicating systems installed in modern aircraft are highly complex and involve the use of electronic components, the repair of which may be accomplished only by skilled maintenance personnel. Situations have occurred in which flights have been canceled or delayed for con-

Footnotes 6-9 on p. 7605.

¹⁰ See Part 7—Stations on Land in the Maritime Services, of this chapter.

¹¹ The term "authorized transmitter power" is defined to mean, "the total plate input power to all electron tubes of the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna."

¹² Pending clearance of the band 2065-2107 kc in accordance with the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) the frequency 2052.5 kc and each of the assignable frequencies within the band 2065-2107 kc may be authorized for use on a day only basis upon the express condition that harmful interference will not be caused to stations which, in the discretion of the Commission, may have priority on the frequency used by the station to which interference is caused.

¹³ See Part 8—Stations on Shipboard in the Maritime Services of this chapter.

¹⁴ See §§ 8.302, 8.303 and 8.304 of Part 8—Stations on Shipboard in the Maritime Services, of this chapter.

siderable periods of time because of the difficulty in obtaining maintenance service for these components. This situation is reported to have resulted in serious economic penalty to the carriers involved as well as inconvenience to the passengers.

A proposal to amend § 41.25 (k) has previously been circulated and comment resulting from this circulation indicates that suitable alternative means may be provided by an air carrier in lieu of an operative fuel quantity indicator for the purpose of permitting an aircraft to be flown to the "nearest point where repairs or replacements can be made." Such alternative means will require the use of a fuel flow meter. These devices are of relatively simple design and assure greater reliability than some fuel quantity indicators. Fuel flow meters, however, are designed to indicate fuel consumption of an aircraft engine at any given moment. To determine accurately total fuel quantity used over an extended period of time, continuous reference to the instrument or a number of references of sufficient frequency must be made. So long as a member of the flight crew additional to the two pilots is carried, the Board believes that the use of fuel flow meters in lieu of a fuel quantity indicator on a temporary basis would be adequate for safe operations. The Board does not, at this time, intend to prejudice the question as to whether alternative means of indicating fuel quantity may be safely employed when an additional member of the flight crew is not available. However, we are of the opinion that adequate relief will be furnished by the imposition of such a condition until the more far reaching aspects of the question of a continuation of flight with required equipment inoperative is considered in conjunction with the revision of Part 41.

A recommendation has been made to the Board that a further condition be applied which would require the air carrier to include in the appropriate air carrier manual detailed procedure for the guidance of its personnel in the event required equipment becomes inoperative. However, such procedures were intended to be included in the provisions of § 41.120 which states that "The air carrier shall prepare and maintain a manual for the use and guidance of operations personnel which contains full information necessary to guide flight and ground personnel in the conduct of flight operations and to inform such personnel regarding their duties and responsibilities . . ." The Board expects, therefore, that the air carrier will insure the inclusion of adequate information to enable its personnel to determine under what circumstances an alternative means may be used in the event fuel quantity indicators become unserviceable en route.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends

§ 41.25 of Part 41 of the Civil Air Regulations (14 CFR Part 41) as follows, effective immediately:

1. By deleting paragraph (k) thereof and substituting therefor the following:

§ 41.25 *Instruments and equipment required for continuance of flight.* . . .

(k) Fuel quantity indicators indicating the amount of fuel in each tank to be used for the remainder of the flight, or, in the case of aircraft having a third flight crew member assigned as a member of the operating crew, an alternate means approved by the Administrator for determining the amount of fuel in each tank.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, as amended, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-9990; Filed, Nov. 27, 1953;
8:53 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Bureau of Foreign Commerce
[6th Gen. Revision of Export Regs.,
Amdt. 74¹]

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 371.9 *General in-transit license GIT* paragraph (b) *Special provisions*, subparagraph (1) *Shipments originating in Canada* is amended to read as follows:

(1) *Shipments originating in Canada.* (i) The provisions of General License GIT are applicable, as modified herein, to all shipments originating in Canada and moving in transit through the United States to any foreign destination, including Hong Kong, Macao, and Subgroup A countries. The United States collector of customs at the United States port of exit shall require, and the shipper shall submit to him, a copy of Canadian Customs Entry, Form B-13, certified or stamped by the Canadian customs authorities, for each such shipment. Positive List commodities may be exported from the United States under this general license only as authorized in the certified or stamped Canadian Customs Entry, Form B-13. Where the ultimate destination or any other pertinent detail of such shipment is not the same on the U. S. shipper's export declaration as that shown on the Canadian Customs Entry, Form B-13, a validated U. S. export li-

¹This amendment was published in Current Export Bulletin No. 719, dated November 19, 1953, and in the reprint pages, dated November 19, 1953.

cence or a new Form B-13 authorizing the shipment is required. However, non-Positive List commodities may be exported under any general license applicable to the exportation of the same commodities of domestic origin whether or not there is a change of ultimate destination while the shipment is in transit. Non-Positive List commodities authorized by the Canadian Customs Entry, Form B-13, for export to Hong Kong, Macao, or Subgroup A country may proceed in transit through the United States under General License GIT according to that authorization. Other shipments of non-Positive List commodities to Hong Kong, Macao, or a Subgroup A country, not authorized to such a destination by the accompanying Canadian Customs Entry, Form B-13, require a validated U. S. export license or a new Form B-13 authorizing such an exportation.

(ii) Any parties to the exportation shall submit any further proof which the collector of customs at the United States port of entry or at the port of exit may require to enable him to determine that the shipment is properly exportable under General License GIT, including the fact that the destination of the shipment is properly authorized by the Canadian authorities. Exportations shall not be cleared for shipment by the collector of customs at the United States port of exit under General License GIT unless all provisions of this general license have been complied with.

This part of the amendment shall become effective as of December 19, 1953.

2. Section 372.5 *Ship stores, plane stores, supplies and equipment* is amended in the following particulars:

a. The title of the section is amended to read as follows:

§ 372.5 *Exportation of commodities for use in the construction or operation of vessels and aircraft.*

(b) Paragraphs (a) *Exportations requiring validated license* and (b) *Preparation of license applications* are amended to read as follows, respectively:

(a) *Exportations requiring validated license.* The provisions of § 371.13 of this subchapter establish general licenses for the exportation of ship stores, plane stores, supplies and equipment under prescribed conditions. Where any commodities to be used on operating vessels and aircraft are not authorized to be exported under the provisions of § 371.13 of this subchapter or where commodities are being exported for vessels under construction and are not authorized to be exported under any general license, the exportation must be authorized by a validated license.

Note: See § 371.13 (d) of this subchapter on exports to vessels located at foreign ports.

(b) *Preparation of license applications—(1) Vessels under construction.* Applications for licenses to export commodities, including ship stores, supplies and equipment, to vessels under construction shall be prepared on Form IT-419 (Revised April 1952) in accordance with the instructions contained in § 372.3 and Note, with the following modifications:

RULES AND REGULATIONS

(i) Country of ultimate destination: Show country in which vessel is being constructed.

(ii) Ultimate consignee in foreign country: Show name and address of shipyard where vessel is being constructed.

(iii) Commodity description: In addition to a complete description of the commodities, show the following information in this item or on an attachment:

1. Hull number and name of vessel (if known).

2. Type of vessel.

3. Name and business address of prospective owner, and his nationality.

4. Country of registry, or intended country of registry.

5. Statement as to whether or not the vessel will call at a Subgroup A port.

(iv) End use of commodities covered by this application: If the vessel is a tanker, a certification from the prospective owner must be submitted stating whether or not the vessel will be used to transport petroleum or petroleum products directly or indirectly to any Subgroup A country.

(v) In all cases, all parties to the transaction, including the U. S. or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in paragraph 1 of the interpretative statement following § 372.2 (a)

(2) *Operating vessels and aircraft.* Applications for licenses to export commodities, including ship or plane stores, supplies and equipment, to operating vessels and aircraft, whether in operation or being repaired, shall be prepared on Form IT-419 (revised April 1952) in accordance with the instructions contained in § 372.3 and Note, with the following modifications:

(i) Country of ultimate destination: Show country where the vessel or aircraft will take on the commodities.

(ii) Ultimate consignee in foreign country: Show name of owner and port or place where commodities will be taken aboard. Also, if a vessel, show name of vessel.

(iii) Commodity description: Show the following information in this item or on an attachment:

1. Type of vessel.

2. Business address of owner and his nationality.

3. Name of charterer and the terms and type of charter, if under charter.

4. Country of registry.

5. Statement as to whether or not the vessel will call at a Subgroup A port.

(iv) End use of commodities covered by this application: If the vessel is a tanker, a certification must be submitted from the owner, or from the charterer, if under charter, stating whether or not the vessel will be used to transport petroleum or petroleum products directly or indirectly to any Subgroup A country.

(v) In all cases, all parties to the transaction, including the U. S. or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in paragraph 1 of the interpretative statement following § 372.2 (a).

In addition the Bureau of Foreign Commerce may require, where neces-

sary, that the exporter submit a letter of confirmation or amplification of the information specified in § 372.5 (b).

This part of the amendment shall become effective as of December 19, 1953.

3. Section 372.9 *Documents accompanying applications for validated licenses*, paragraph (a) *Copies may be submitted* is amended to read as follows:

(a) *Copies may be submitted.* (1) Documents submitted in support of an application for an individual or other validated license will not be returned to the applicant or his agent, except when the application is returned without action. Accordingly; applicants need not submit original documents which they may subsequently require, unless such original documents are specifically required by the provisions of another section, but in lieu thereof, photostatic or other copies of an original document may be submitted. Individual certification of copies of original documents is not required by the Bureau of Foreign Commerce. By signing Form IT-419 the applicant certifies and represents that any copies of documents submitted with the application, or submitted in support of the application at any time before or after filing the application, are true copies of the original documents, and that the information contained in such documents is true, correct, and complete to the best of his knowledge and belief.

(2) Any document submitted in connection with a license application which is submitted separately from an application must be identified clearly as part of that application. Such document must be identified by a statement, signed by the applicant, that "this document is to be considered as a part of application number (give BFC case No.)" Unless documents filed separately from the license application are identified with the application in this manner, they will not be accepted by the Bureau of Foreign Commerce.

This part of the amendment shall become effective as of November 19, 1953.

4. Section 372.11 *Issuance and use of export licenses* is amended in the following particulars:

Paragraph (b) of Note 2 *Validation of IT-628* following paragraph (b) *Unit-process licenses* is amended to read as follows:

(b) License continuation sheets and other attachments to licenses will be validated by imprinting a facsimile of the Department of Commerce seal followed by a five digit number representing the date of validation.

This part of the amendment shall become effective as of November 19, 1953.

5. Section 380.1 *Transfer of license*, paragraph (c) *Information from transferor and form of request* is amended to read as follows:

(c) *Information from transferor and form of request.* (1) In requesting transfer of less than 15 outstanding licenses (including project licenses) the licensee must submit:

(i) A completed Form IT-763, "Request for and Notice of Amendment Action," in triplicate for each license(s)

(ii) The original license(s) if held by the licensee.

(iii) A signed letter from the person or firm to whom the license(s) is to be transferred as required by paragraph (d) of this section.

(iv) The following certification:

The undersigned hereby certifies that, if license number(s) _____ is (are) transferred in accordance with my (or our) request, any and all documents evidencing the order covered by this (these) license(s) will be retained by me for three years from the date of this certification and will be made available upon demand. The undersigned will promptly report to BFC any material or substantive changes in the terms of the order and any other facts of the export transaction known or reported to the undersigned at any future time by any party to the export transaction.

Signature of transferor

By

Title

Date

(a) When setting forth reasons for the requested transfer in Item 10 of Form IT-763, the licensee shall also state whether or not any consideration has been or will be paid for the transfer. The name and address of the proposed transferee shall be shown in Item 12 of Form IT-763.

(b) If the original license(s) is being held by a collector of customs at the time the licensee submits the request for transfer, he must show in Item 11 of Form IT-763, the address of the collector of customs with whom the original license(s) has been deposited. Also, in such cases, the licensee must submit an additional triplicate (yellow) copy of Form IT-763, "Notice to Applicant," showing in Item 4 of one copy the name and address of the original licensee and on the additional copy the name and address of the person to whom the license is to be transferred. This additional triplicate (yellow) copy of Form IT-763 will be used for notifying the transferee of the action taken.

(2) Where the licensee requests a transfer of 15 or more outstanding licenses, the request must be made in the form of a letter setting forth the following:

(i) Either a list of the BFC case numbers and outstanding license numbers or a statement that all outstanding licenses in the name of the licensee are to be transferred and indicating the number of such outstanding licenses.

(ii) A listing showing the BFC Case Numbers of applications for export licenses pending in BFC which are to be transferred.

(iii) The name and address of the proposed transferee.

(iv) Facts necessitating transfer.

(v) A statement of whether or not any consideration has been or will be paid for the transfer.

(vi) The certification set forth in subparagraph (1) (iv) of this paragraph.

(3) Additional proof: In addition to the information required under subparagraphs (1) and (2) of this paragraph, the original licensee must identify by name the legal document (certificate, agreement, etc.) or other authority by

which the new firm name is legally established, the new corporation or firm created, or the assets transferred, showing the effective date of such document, and the state where filed or recorded.

This part of the amendment shall become effective as of November 19, 1953.

6. Section 380.2 Amendments or alterations of licenses paragraph (f) (3) Amendment requests on which field offices may not take action is amended in the following particulars:

a. Subdivision (i) is amended by deleting the word "Hong Kong" to read as follows:

(i) Licenses covering exportations to Macao or Subgroup A countries, unless the amendment involves no more than a correction of obvious errors in the license, such as mistakes in typing.

b. A new subdivision (vi) is added to read as follows:

(vi) Requests for amendments or extensions of licenses for iron and steel scrap (Schedule B Nos. 601010, 601040, 601050, 601070, 601090, 601150) aluminum scrap (Schedule B No. 630050) copper scrap (Schedule B No. 641300) and copper-base alloy scrap (Schedule B No. 644000).

This part of the amendment shall become effective as of November 19, 1953. (Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director

Bureau of Foreign Commerce.

[F. R. Doc. 53-9968; Filed, Nov. 27, 1953; 3:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6053; Regs. 13, Amdt.]

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

REQUIREMENTS FOR MARKING LIQUOR BOTTLES AND EARTHENWARE CONTAINERS, LABELING DISTILLED SPIRITS, AND DISPOSING OF MARKED CONTAINERS

On August 6, 1953, notice of proposed rule-making, regarding amendments to Regulations 13 (26 CFR, Part 175), relating to the requirements for marking liquor bottles and earthenware containers, labeling spirits and disposing of marked containers was published in the FEDERAL REGISTER (18 F. R. 4626). After consideration of all such relevant matter as was presented by interested persons relating to the rules proposed, the amendments to Regulations 13 set forth below are hereby adopted:

PARAGRAPH 1. Section 175.33 is amended by striking the word "Commissioner" and inserting in lieu thereof "Assistant Regional Commissioner, or the Commissioner in the case of States,"

PAR. 2. Section 175.34 is amended as follows:

(A) By striking the word "Commissioner" in paragraph (c) and inserting in lieu thereof "Assistant Regional Commissioner, or by the Commissioner in the case of symbols and numbers assigned to States,"

(B) By striking the proviso and substituting in lieu thereof the following proviso: "Provided, That liquor bottles which are ascertained by the Commissioner to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner, and liquor bottles for the packaging of other distilled spirits authorized by the Commissioner under § 175.56a, may be manufactured and shipped, consigned, or delivered not marked as required by this section."

PAR. 3. Section 175.43 is amended to read as follows:

§ 175.43 *Name and address of bottler.* On labels of domestic distilled spirits, there shall be stated the phrase "Bottled by" immediately followed by the name of the bottler or the trade name under which the spirits are bottled, and the place where such spirits are bottled. If the bottler is the actual bona fide operator of more than one bottling plant engaged in bottling the same brand of distilled spirits, there may be stated immediately following the name (or trade name) of such bottler the addresses of the plants at which such product is bottled: *Provided, That* on labels of whisky and straight whisky there shall be stated the State of distillation of such whisky, if such whisky is not distilled in the State given in the address of the brand label: *Provided further*

(a) That, where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "Bottled by", followed by the bottler's name (or trade name) and address, the phrase "Distilled by", followed by the name (or trade name) under which the particular spirits were distilled, and the address (or addresses) of the distiller;

(b) That, where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "Bottled by" followed by the bottler's name (or trade name) and address, the phrase "Blended by" "Made by", "Prepared by", "Manufactured by" or "Produced by" (whichever may be appropriate to the act of rectification involved) followed by the name (or trade name) under which the distilled spirits were rectified, and the address (or addresses) of the rectifier;

(c) That, on labels of distilled spirits bottled for a retailer or other person who is not the actual distiller or rectifier of such distilled spirits there may also be stated the name and address of such retailer or other person, immediately preceded by the words "Bottled for" or "Distributed by", or other similar statement.

PAR. 4. The head note to Subpart E is amended to read as follows: "Subpart E—Use of Containers for Packaging Distilled Spirits"

PAR. 5. Section 175.55 is amended to read as follows:

§ 175.55 *Containers for distilled spirits.* The use for packaging distilled spirits for sale at retail of containers of one-half pint capacity or greater, not marked as prescribed by this part, is prohibited except as provided in §§ 175.56 to 175.58.

PAR. 6. Section 175.56 and headnote are amended to read as follows:

§ 175.56 *Distinctive liquor bottles for liqueurs and cordials.* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant of such bottler is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler of liquor bottles which are ascertained by the Commissioner to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner, not marked as required by § 175.34.

PAR. 7. There is inserted immediately following § 175.56 the following new section:

§ 175.56a *Unmarked liquor bottles for other distilled spirits.* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler, for the packaging of distilled spirits such as whisky, brandy, rum, gin, vodka, etc., of liquor bottles, not marked as required by § 175.34, which the Commissioner finds will not afford a jeopardy to the revenue because of their unique or distinctive shape or design and cost of manufacture.

PAR. 8. Section 175.57 is amended to read as follows:

§ 175.57 *Earthenware containers for distilled spirits.* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant of such bottler is situated may, by the issuance of an appropriate permit, authorize the procurement and use, for packaging distilled spirits, of earthenware containers marked legibly, by underglaze coloring, (a) either on the bottom or on the body with a symbol and number assigned by the Assistant Regional Commissioner, or by the Commissioner in the case of symbols and numbers assigned to States, to represent the name of the bottler procuring the same; and (b) on the shoulder with the words, "Federal Law Forbids Sale or Reuse of This Bottle" *Provided, That* upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler for the packaging of distilled spirits such as whisky, brandy, rum, gin, vodka, etc., of earthenware containers, not marked as required by this section, which the Commissioner finds will not afford a jeopardy to the revenue because of their unique or

distinctive shape or design and cost of manufacture.

PAR. 9. There is inserted immediately following § 175.57 the following new section:

§ 175.57a *Approval of distinctive unmarked containers.* Application in letter form for the approval of any distinctive container, accompanied by a specimen, photograph or drawing of the container, and in the case of any such container for the packaging of distilled spirits such as whiskey, brandy, rum, gin, vodka, etc., a statement of the cost of manufacture shall be submitted to the Commissioner and approval procured, prior to submission of an application (Form 98) to the Assistant Regional Commissioner. Such application (Form 98) shall specify the number of the container assigned by the Commissioner.

PAR. 10. There is inserted immediately following § 175.59 the following new section:

§ 175.59a *Use of earthenware containers bearing the same indicia, by parent company and wholly-owned subsidiaries.* Any bottler authorized to bottle distilled spirits at more than one location may select, for marking on earthenware containers, any one permit symbol and number assigned to him, or to any of his wholly-owned subsidiaries, for use by him and at any or all of the premises of his wholly-owned subsidiaries at which distilled spirits are bottled. The bottler shall notify the Commissioner of such selection. Application (Form 98) filed by the bottler pursuant to § 175.57 for the procurement and use of earthenware containers shall give the location or locations to which such containers are to be shipped. Stocks of earthenware containers bearing such selected indicia held by the parent company or any of its wholly-owned subsidiaries may be transferred between such premises without obtaining a permit authorizing such transfer; however, earthenware containers bearing any symbol and number other than the selected indicia, may not be so transferred without first obtaining a permit from the Assistant Regional Commissioner.

PAR. 11. There is inserted immediately preceding § 175.89 the following new undesignated center head: "Importation of Filled Containers."

PAR. 12. Section 175.89 and headnote are amended to read as follows:

§ 175.89 *Importation of distilled spirits in unmarked containers.* No distilled spirits for sale at retail may be imported into the United States in containers of one-half pint capacity or greater, not marked as prescribed by this part: *Provided*, That upon application (Form 98) by the importer, the Assistant Regional Commissioner of the region in which the port of entry is situated may, by the issuance of an appropriate permit, authorize the importation of liquor bottles or earthenware containers containing distilled spirits such as whiskey brandy rum, gin, vodka, etc., not marked as prescribed by this part, which the Commissioner finds will not

afford a jeopardy to the revenue because of their unique or distinctive shape or design and cost of manufacture. The provisions of this section shall not apply to the importation of distilled spirits in bulk containers of a capacity of 5 wine gallons or greater.

PAR. 13. The undesignated center head immediately preceding § 175.90 which reads "Indicia for Imported Filled Containers" is revoked.

PAR. 14. Section 175.90 is amended by striking the words "§§ 175.91 to 175.94" and inserting in lieu thereof "§§ 175.89, 175.91 to 175.94, and 175.95."

PAR. 15. Section 175.94 is amended to read as follows:

§ 175.94 *Distilled spirits in earthenware containers.* Upon application (Form 98) the Assistant Regional Commissioner of the region in which the port of entry is situated may issue a permit authorizing the importation of distilled spirits in earthenware containers marked legibly in underglaze coloring: (a) either on the bottom or on the body with the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, and (b) on the shoulder with the words "Federal Law Forbids Sale or Reuse of This Bottle," except as provided in §§ 175.89 and 175.95.

PAR. 16. There is inserted immediately following § 175.94 the following new section:

§ 175.94a *Approval of distinctive unmarked containers.* Approval of distinctive unmarked containers shall be procured in accordance with the procedure prescribed by § 175.57a.

PAR. 17. Section 175.95 is amended by changing the period at the end of the first sentence to a colon and adding the following: "*Provided*, That upon application (Form 98) the Assistant Regional Commissioner of the region in which the port of entry is situated may, in nonrecurring cases, authorize the release from customs custody of distilled spirits in containers which, through unintentional error, are not marked completely in accordance with the provisions of this part, if the Commissioner finds that such release will not afford a jeopardy to the revenue."

PAR. 18. Section 175.115 is amended to read as follows:

§ 175.115 *Disposition of stocks of containers.* When the permit of a bottle manufacturer or bottler is suspended, revoked, or surrendered, stocks of liquor bottles and other authorized marked containers on hand or in process may be disposed of under permit to a person authorized to receive liquor bottles, in accordance with the directions of the Commissioner. Application shall be made on Form 98 by such person for permission to acquire the entire stock, regardless of place of storage or persons or concerns holding title thereto, and submitted to the Assistant Regional Commissioner of the region in which the

applicant is located: *Provided*, That, where it is found that the entire stock cannot be disposed of to one authorized bottler, the Commissioner may authorize the disposal of such containers, in lots, by size or type, to more than one bottler if he finds that such authorization will not afford a jeopardy to the revenue. The application on Form 98 shall be supported by a statement filed by the vendor setting forth whether the Form 98 covers his entire stock, or his entire stock of a particular size or type of bottle. A sample of each size or type of container represented in the stock which the applicant or applicants desire to purchase shall be submitted to the Assistant Regional Commissioner with the application Form 98 and the supporting statement of the vendor. If such stocks are not disposed of in accordance with the directions of the Commissioner, they shall be seized and forfeited, as provided in section 2871 of the Internal Revenue Code.

PAR. 19. The note to the source of §§ 175.1 to 175.131, which reads "§§ 175.60, 175.62, 175.63, 175.74, 175.75, 175.76, 175.77, 175.78, 175.96 and 175.122 appearing herein are amendments effective only during the period of the unlimited national emergency proclaimed by the President on May 27, 1941 (Proc. 2519; 3 CFR 1943 Cum. Supp.) Upon termination of the unlimited national emergency these amendments will be automatically revoked and the regulations, as they existed prior to the issuance of Treasury Decision 5292, shall be re-issued," is revoked.

These regulations shall be effective upon the date of publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176. Interpret or apply 53 Stat. 331; 26 U. S. C. 2871)

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-9984; Filed, Nov. 27, 1953; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amdt. 167 to Schedule A]

[Rent Regulation 2, Amdt. 165 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND
OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

OHIIO

Effective November 27, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 23d day of November 1953.

GLENWOOD J. SHERRARD,
Director,
Defense Rental Areas Division.

(236a) [Revoked and decontrolled.]

These amendments decontrol the following defense-rental area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act: Portsmouth-Chillicothe (Ohio) Defense-Rental Area.

[F. R. Doc. 53-10008; Filed, Nov. 25, 1953; 1:19 p. m.]

[Rent Regulation 3, Amdt. 157 to Schedule A]

[Rent Regulation 4, Amdt. 101 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

OHIO

Effective November 27, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 23d day of November 1953.

GLENWOOD J. SHERRARD,
Director

Defense Rental Areas Division.

(236a) [Revoked and decontrolled.]

These amendments decontrol the following defense-rental area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act: Portsmouth-Chillicothe (Ohio) Defense-Rental Area.

[F. R. Doc. 53-10009; Filed, Nov. 25, 1953; 1:19 p. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

[Draft Release 53-28]

LANDING WEIGHTS FOR NONTRANSPORT CATEGORY AIRPLANES IN SCHEDULED PASSENGER OPERATION

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation extending the present special rules applicable to nontransport category airplanes in scheduled overseas and foreign passenger operation until July 1, 1954.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washing-

ton 25, D. C. In order to insure their examination by the Board before taking further action on the proposed rule, communications must be received by December 14, 1953. Copies of such communications will be available after December 16, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Certain airplanes certificated as a basic type prior to June 30, 1942, and currently used in scheduled air carrier passenger operations have at various times since original certification been allowed increases in their maximum certificated take-off and landing weights. The increases have been allowed under the provisions of later adopted airworthiness requirements based upon different and more realistic safety criteria where the airplanes have been shown to comply with such requirements for particular operations.

However, these developments have not followed a consistent pattern, and prior to the adoption of SR-356 in 1950, airplanes of the same basic type were operated at differing maximum landing weights. For example, the usual maximum landing weight for a Douglas DC-3 (not certificated in the transport category) operated in scheduled passenger service is 24,400 pounds when operated in accordance with limitations established in the air carrier's operations specifications, whereas the maximum landing weight for a comparable airplane used by an irregular air carrier or commercial operator is 25,200 pounds subject, however, to operating limitations provided for in Part 42 of the Civil Air Regulations.¹

The Board was asked by certain scheduled air carriers to permit operation of the DC-3 and the Lockheed Model 18 as nontransport category airplanes at the landing weights authorized for these same airplanes in irregular passenger service. The Board authorized the use of these higher weights for nontransport category airplanes by SR-356 on the condition that they be operated in accordance with the operating limitations established for such airplanes in Part 42.

Revised Part 40, effective January 1, 1954, prescribes operating rules for scheduled air carriers engaged in the carriage of passengers in interstate commerce which require these carriers to operate their nontransport category airplanes in accordance with requirements that are similar to those currently prescribed in Part 42 for such airplanes. A notice of proposed rule making, which will be issued concurrently with this notice, proposes that the nontransport category performance operating limitations for these airplanes be incorporated

¹The DC-3 is also eligible and is being operated at a maximum certificated take-off weight of 26,200 pounds and a maximum certificated landing weight of 26,000 pounds in accordance with transport category performance rules. The DC-3 when used for the carriage of cargo only is eligible and is being operated at maximum certificated take-off and landing weights as high as 26,900 pounds. Furthermore, corresponding military versions of the DC-3 have been operated at maximum weights in excess of 30,000 pounds.

in Part 41 as of July 1, 1954, thus applying these rules to scheduled carriers carrying passengers in overseas and foreign air transportation. In view of the fact that these airplanes will be able to receive the same landing weights currently authorized by SR-356 when operating in accordance with the requirements in revised Part 40 and those proposed for Part 41, it is not necessary to extend this regulation with respect to operations under Part 40, or to extend it with respect to Part 41 after June 30, 1954. Accordingly, this proposed regulation only extends the provisions of SR-356 with respect to those operations under Part 41, scheduled service in overseas and foreign air transportation, until July 1, 1954. After that date SR-356 will not be necessary and it is not intended that elimination of this rule operate to affect the weights of aircraft previously established under SR-356.

In view of the foregoing, it is proposed to issue a Special Civil Air Regulation, effective January 1, 1954, to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, an airplane type certificated prior to June 30, 1942, may be used for the carriage of persons in scheduled overseas and foreign air transportation at a maximum landing weight not exceeding its maximum certificated take-off weight for passenger service: *Provided*, That such landing weight does not exceed the weight for which the structure has been substantiated in accordance with the structural requirements upon which the original certification was based: *Provided further*, That the airplane is operated in accordance with the operating limitations prescribed in Part 42 of the Civil Air Regulations as heretofore or hereafter amended, for aircraft not certificated in the transport category: *And provided further*, That if an air carrier elects to operate aircraft under the provisions of this Special Civil Air Regulation it shall be required that all of its aircraft of the same or related types be operated thereunder.

It is proposed that this Special Civil Air Regulation shall terminate on June 30, 1954.

(Sec. 205 (a), 52 Stat. 924; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560)

Dated November 20, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.
[SEAL] JOHN M. CHAMBERLAIN,
Director

[F. R. Doc. 53-8391; Filed, Nov. 27, 1953; 8:53 a. m.]

[14 CFR Part 41]

[Draft Release 53-27]

ELIMINATION OF REQUIREMENT FOR CERTIFICATION IN TRANSPORT CATEGORY AFTER DECEMBER 31, 1953, AND ESTABLISHMENT OF NONTRANSPORT CATEGORY OPERATING LIMITATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of

Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Part 41 of the Civil Air Regulations which will remove the requirement that after December 31, 1953, all aircraft utilized in Part 41 operations be certificated in the transport category, and will establish nontransport category airplane performance operating limitations.

Interested persons may participate in the making of the proposed amendments by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received before December 14, 1953. Copies of such communications will be available after December 16, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Section 41.26 (c) of Part 41 currently states that after December 31, 1953, all aircraft operating under this part shall comply with the transport category certification requirements of either Part 4a or 4b and with the operating limitations prescribed in this part for transport category airplanes. This requirement was intended to remove from the scheduled air transportation such aircraft types as the Douglas DC-3 and the Lockheed L-18 after this date unless recertificated in the transport category. This provision was also contained in Part 40 of the Civil Air Regulations. In view of the safety record of the DC-3 and L-18 and their continued use in scheduled passenger operation, the Board, in revised Part 40, permitted the continued operation of these airplanes but required that they comply with certain performance operating limitations based on the nontransport category performance limitations that presently appear in Part 42.

In view of the action taken with respect to these airplanes in revised Part 40, it is proposed by this regulation to permit operation of nontransport category airplanes under Part 41 after December 31, 1953, but at the same time to prescribe the same performance operating limitations that are prescribed in revised Part 40. Since it is estimated that the affected air carriers will require about six months to implement these operating limitations for these aircraft, it is proposed that the operating limitations become effective on July 1, 1954. This will permit continued operation of these aircraft under present conditions until that date.

Accordingly notice is hereby given that it is proposed that Part 41 of the Civil Air Regulations be amended as follows:

1. By deleting § 41.26 (c)
2. By adding new §§ 41.36, 41.36a, 41.36b, 41.36c, and 41.36d to read follows:

§ 41.36 *Nontransport category airplane operating limitations.* In operating any large, nontransport category airplane in passenger service on or after July 1, 1954, the provisions of §§ 41.36a through 41.36d shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Prior to that date such airplanes shall be operated either in accordance with §§ 41.36a through 41.36d or in accordance with such operating limitations as the Administrator determines will provide a safe relation between the performance of the airplanes and the airports to be used and the areas to be traversed. Performance data published or approved by the Administrator for each such nontransport category airplane shall be used in determining compliance with the provisions of §§ 41.36a through 41.36d.

§ 41.36a *Take-off limitations.* No take-off shall be made at a weight in excess of that which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point during the take-off up to the time of attaining 105 percent of minimum control speed or 115 percent of the power-off stalling speed in the take-off configuration, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that take-off power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the take-off;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than ½ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length;

(d) It shall be assumed that the airplane is operating in the standard atmosphere.

§ 41.36b *En route limitations; one engine inoperative.* (a) No take-off shall be made at a weight in excess of that which will permit the airplane to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher. *Provided*, That in the alternative an air carrier may utilize a procedure whereby the airplane is operated at an altitude such that, in event of an engine failure, the airplane can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the air carrier can demonstrate

to the satisfaction of the Administrator that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the performance information published or approved by the Administrator. Before approving such a procedure, the Administrator shall take into account, for the particular route, route segment, or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

- (1) The critical engine is inoperative;
- (2) The propeller of the inoperative engine is in the minimum drag position;
- (3) The wing flaps and landing gear are in the most favorable positions;
- (4) The operative engine or engines are operating at the maximum continuous power available;
- (5) The airplane is operating in the standard atmosphere;
- (6) The weight of the airplane is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 41.36c *Landing distance limitations; airport of intended destination.* No take-off shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the airplane to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

- (1) On the runway with the greatest effective length in still air, and
- (2) On the runway required by the probable wind, taking into account not more than 50 percent of the probable headwind component and not less than 150 percent of the probable tailwind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least $1.3 V_{SO}$.

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot;

(3) The airplane is operating in the standard atmosphere.

§ 41.36d *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 41.36c: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

This notice of proposed rule making is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated: November 20, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 53-9992; Filed, Nov. 27, 1953; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 42]

EN ROUTE LIMITATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in § 42.80, the Administrator of Civil Aeronautics contemplates amending § 42.80-6, published on January 10, 1950, in 15 F. R. 93. The amendment would establish en route limitations for Aero Commander 520, Beech 50, Grumman G-21, and Lockheed 10A aircraft. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator in connection with the proposed rules, shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER. The Administrator proposes amending § 42.80-6, as follows:

§ 42.80-6 *En route limitations on multi-engine aircraft with maximum allowable take-off weights below 12,500 pounds (CAA rules which apply to § 42.16 and § 42.80).* The following en route limitations data, applicable to Aero Commander 520, Beech D18C, Beech D18S, Beech 50, Grumman G-21, Lockheed 10A, Lockheed 10E, and Lockheed 12A aircraft, shall be used in determining compliance with § 42.80. These data are presented in Table 1 and Figures 1 thru 5. En route performance data on other aircraft weighing less than 12,500 pounds and operated under § 42.16 will be made available upon application to the Administrator.

TABLE 1--EN ROUTE LIMITATIONS
AERO COMMANDER 520

Weight in pounds	Terrain clearance ¹ in feet and climb speed in miles per hour (TIAS)	
	Feet	Miles per hour
5,500	3,450	91.8
5,000	6,820	93.5
4,500	10,150	92.4

¹ Highest altitude of terrain over which airplanes may be operated in compliance with CAR 42.82.

NOTE: Inoperative propeller windmilling.

BEECH D 18C

BEECH 50

Weight in pounds	Terrain clearance ¹ in feet and climb speed in miles per hour (TIAS)	
	Feet	Miles per hour
5,500	4,140	96.4
5,000	7,710	91.6
4,500	11,340	92.7

¹ Highest altitude of terrain over which airplanes may be operated in compliance with CAR 42.82.

NOTE: Inoperative propeller windmilling.

GRUMMAN G-21

Weight in pounds	Terrain clearance ¹ in feet and climb speed in miles per hour (TIAS)	
	Feet	Miles per hour
7,500	3,620	111.5
7,000	4,610	111.1
6,500	5,570	110.6
6,000	6,520	110.1
5,500	7,500	109.6

¹ Highest altitude of terrain over which airplanes may be operated in compliance with CAR 42.82.

NOTE: Propeller idling in high pitch. Airplane is equipped with de-icers.

LOCKHEED 10A

Weight in pounds	Terrain clearance ¹ in feet and climb speed in miles per hour TIAS			
	Propeller feathered		Propeller idling	
	Feet	Miles per hour	Feet	Miles per hour
10,500	3,600	93.8	-----	-----
10,100	4,250	93.6	3,120	92.9
10,000	4,820	93.5	3,350	92.8
9,500	6,020	93.1	4,600	92.5
9,000	7,200	92.8	5,900	92.1
8,500	8,350	92.4	7,150	91.7
8,000	9,500	92.0	8,420	91.4

¹ Highest altitude of terrain over which airplanes may be operated in compliance with CAR 42.82.

LOCKHEED 10E

LOCKHEED 12A

FIGURE 1--Beech D18C, D18S; Lockheed 10E, 12A.

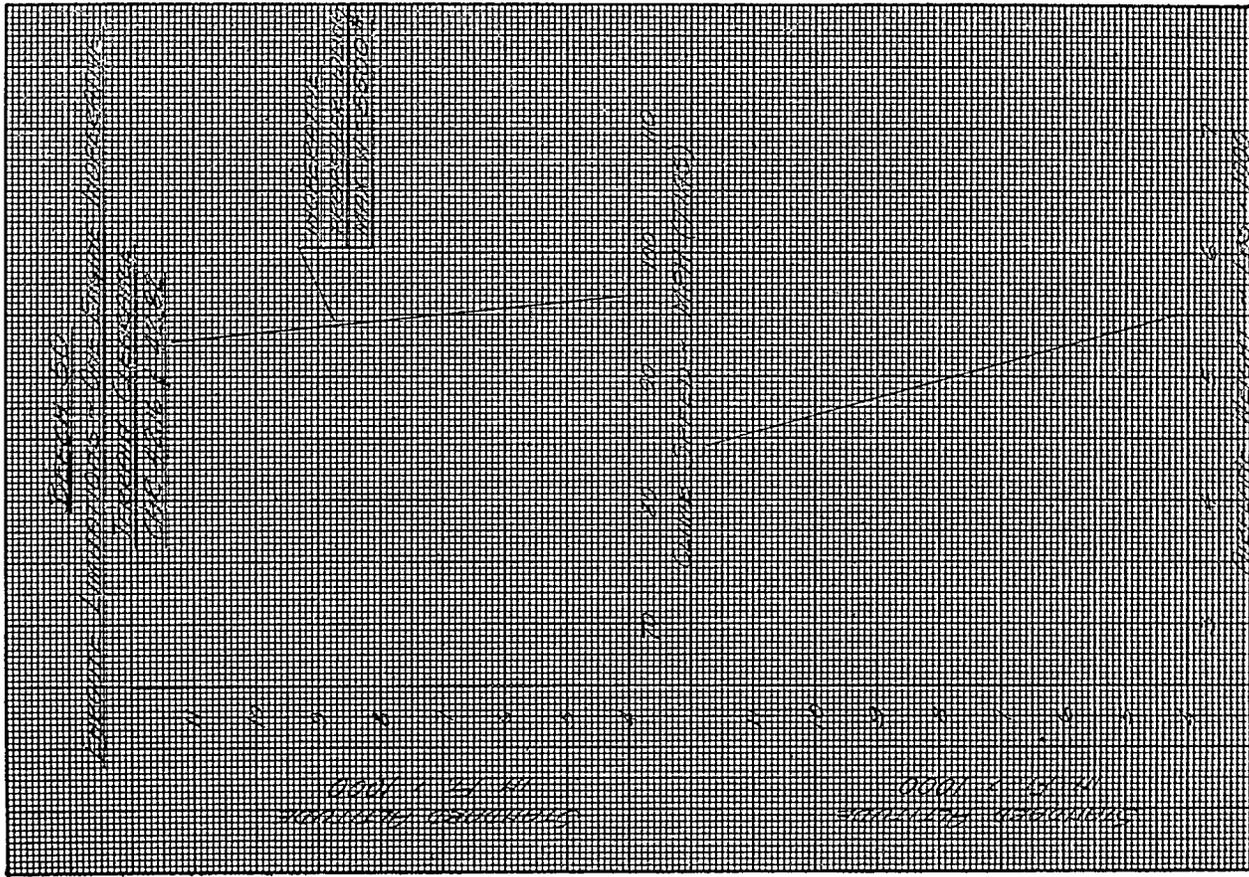


Figure 3—Beech 50

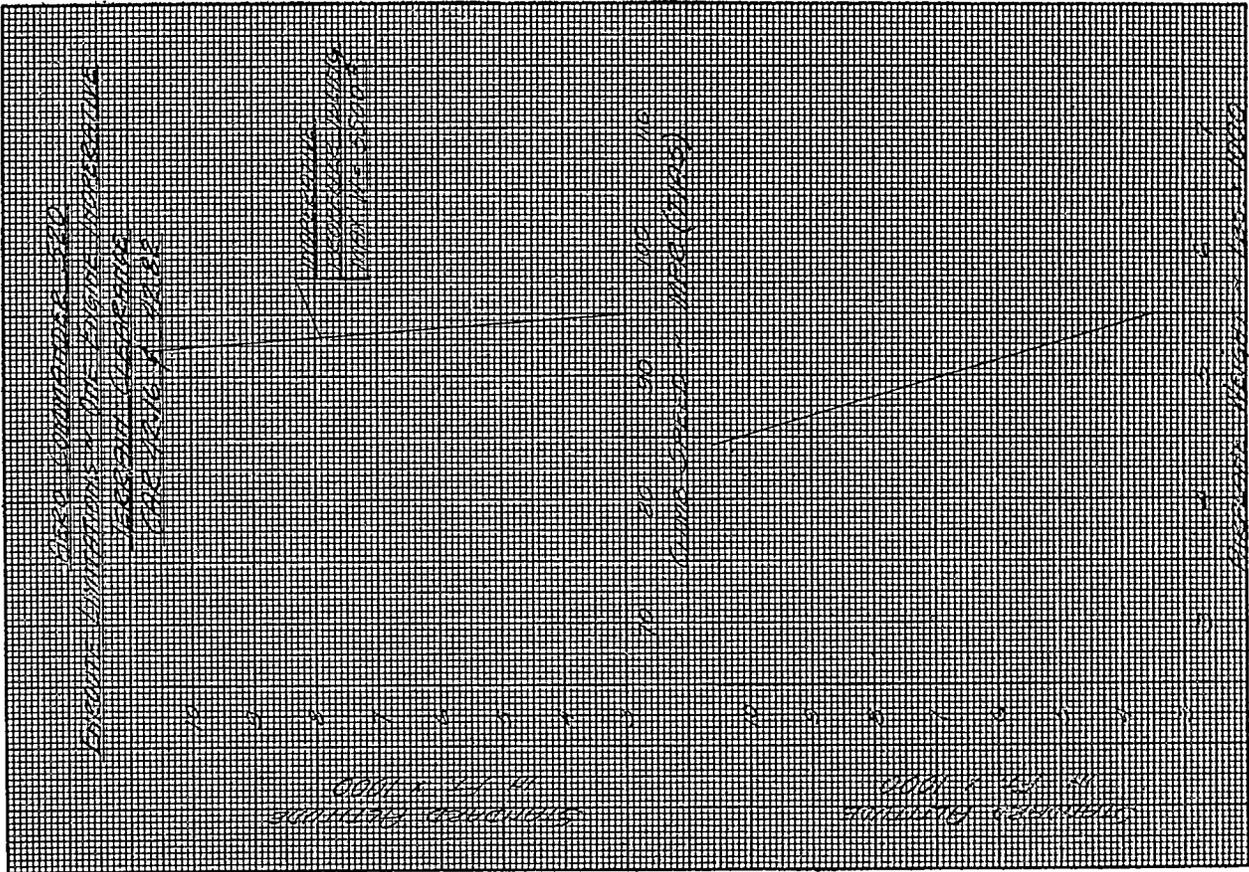


Figure 2—Aero Commander 520

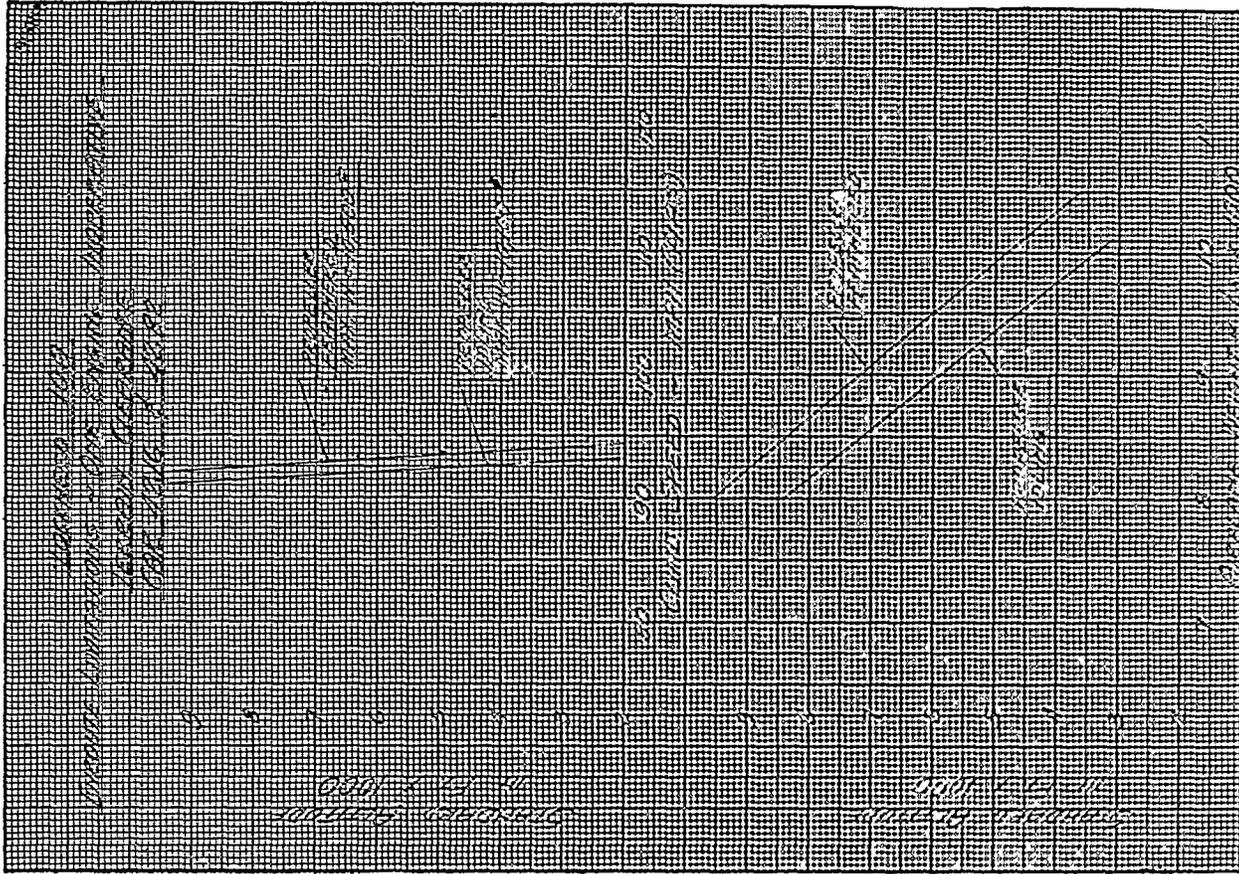


FIGURE 5--Lockheed 10A.

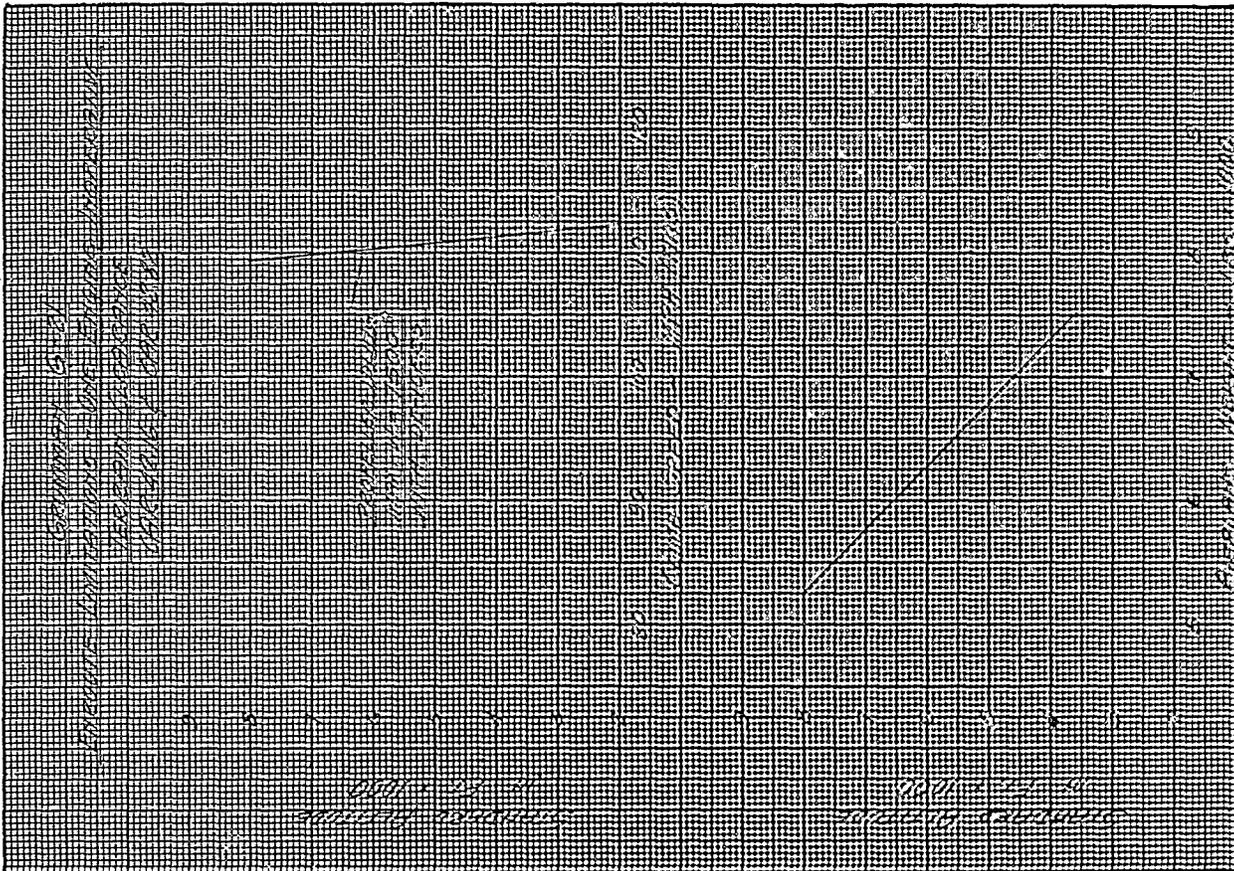


FIGURE 4--Grumman G-21.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

[SEAL]

S. A. KEMP,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 53-9851; Filed, Nov. 27, 1953;
8:58 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 4118, Amdt.]

JOHN H. RADEMACHER

In re: Estate of John H. Rademacher, deceased. File D-28-2367; E. T. 4172.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Pub. Law 181, 82d Cong., 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp., 3 CFR, 1945 Supp.) Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.) and pursuant to law, after investigation, Vesting Order 4118 is hereby amended nunc pro tunc to read as follows:

It is hereby found: That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Heinrich Rademacher and his issue; Maria Rademacher and her issue; Rudolph Behrends (Behrens) and other issue, name or names unknown, of Emma Behrens; Helen Koster, Martha Koster and other issue, name or names unknown, of Wilhemine Koster; Emilie Neimier and her issue, name or names unknown; and issue, name or names unknown, of Carl Feinemann; and each of them, in and to the Estate of John H. Rademacher, deceased.

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely

Nationals and Last Known Address

Heinrich Rademacher and his issue, Germany.

Marla Rademacher and her issue, Germany. Rudolph Behrends (Behrens) and other issue, name or names unknown, of Emma Behrens, Germany.

Helen Koster, Martha Koster and other issue, name or names unknown, of Wilhemine Koster, Germany.

Emilie Neimier, and her issue, name or names unknown, Germany.

Issue, name or names unknown, of Carl Feinemann, Germany.

That such property is in the process of administration by The San Francisco Bank, as executor of the Estate of John H. Rademacher, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco;

And it is hereby determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany),

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

There is hereby vested the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein and in said Vesting Order 4118 had and shall have the meanings prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C. on November 24, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 53-9988; Filed, Nov. 27, 1953;
8:52 a. m.]

AGATHA HOCH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY; AMENDMENT

The Notice of Intention To Return Vested Property in the matter of Agatha Hoch, nee Dobler, et al., Claim No. 46335, published in the FEDERAL REGISTER on October 22, 1952 (17 F. R. 9596), is hereby amended as follows and not otherwise:

By eliminating the name Oskar Dobler from the list of claimants and substituting therefor the names Christina Marlies Dobler, Remold, Dobler and Remold Dobler, as guardian of Herdith Anna Dobler, heirs of Oskar Dobler, deceased; and by eliminating the name Oskar Dobler under "Property and Location" and substituting the above-named heirs who will share equally in Oskar's interest.

Executed at Washington, D. C., on November 20, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-9989; Filed, Nov. 27, 1953;
8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2739]

DEPUTY DIRECTOR, OFFICE OF TERRITORIES,
ET AL.

DELEGATION OF AUTHORITY TO PERFORM
DUTIES OF DIRECTOR AND DEPUTY DIRECTOR

NOVEMBER 21, 1953.

SECTION 1. *Acting Director* (a) The Deputy Director of the Office of Territories shall perform the duties of the Director in case of the absence, sickness, resignation, or death of the Director.

(b) The Assistant Director, Alaskan Affairs of the Office of Territories shall perform the duties of the Director in case of the absence, sickness, resignation

or death of the Director and the Deputy Director.

(c) The Assistant Director, Insular Affairs of the Office of Territories shall perform the duties of the Director in case of the absence, sickness, resignation or death of the Director, Deputy Director, and the Assistant Director, Alaskan Affairs.

(d) An officer acting under authority of this section shall sign documents under the title "Acting Director."

SEC. 2. *Acting Deputy Director* (a) The Director may designate, in writing, an officer to perform the duties of the Deputy Director in case of the absence or sickness of the Deputy Director.

(b) An officer acting under authority of this section shall sign documents under the title "Acting Deputy Director."

SEC. 3. *Revocation.* Order No. 2680, dated May 9, 1952, is revoked.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C. Supp., 133z-15)

DOUGLAS MCKAY,
Secretary of the Interior

[F. R. Doc. 53-9971; Filed, Nov. 27, 1953;
8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

VIRGINIA

DISASTER ASSISTANCE; DELINEATION AND
CERTIFICATION OF COUNTIES CONTAINED
IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of November 12, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 26, 1953, pursuant to Public Law 875, 81st Congress.

VIRGINIA

Bland.	Prince William.
Clark.	Pulaski.
Buchanan.	Russell.
Fairfax.	Scott.
Fauquier.	Shenandoah.
Giles.	Smyth.
Grayson.	Surry.
Loudoun.	Tazewell.
Prince George.	

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9998; Filed, Nov. 27, 1953;
8:55 a. m.]

FLORIDA

DISASTER ASSISTANCE; DELINEATION AND
CERTIFICATION OF COUNTIES CONTAINED
IN FLOOD AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of sec-

tion 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following counties are determined as of November 16, 1953, to be in the area affected by the major disaster occasioned by floods determined by the President on October 22, 1953, pursuant to Public Law 875, 81st Congress:

FLORIDA

Brevard.	Highlands.
Broward.	Indian River.
Charlotte.	Lee.
Collier.	Martin.
Dade.	Okeechobee.
DeSoto.	Palm Beach.
Glades.	St. Lucie.
Hardee.	Seminole.
Hendry.	

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9999; Filed, Nov. 27, 1953; 8:55 a. m.]

WEST VIRGINIA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following counties are determined as of November 17, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on November 16, 1953, pursuant to Public Law 875, 81st Congress:

WEST VIRGINIA

Barbour.	Monongalia.
Berkeley.	Monroe.
Braxton.	Morgan.
Cabell.	Nicholas.
Calhoun.	Pendleton.
Clay.	Pocahontas.
Doddridge.	Preston.
Fayette.	Putnam.
Gilmer.	Raleigh.
Grant.	Randolph.
Greenbrier.	Ritchie.
Hampshire.	Roane.
Hardy.	Summers.
Harrison.	Tucker.
Jackson.	Upshur.
Lewis.	Wayne.
Lincoln.	Webster.
Mercer.	Wood.
Mineral.	

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10000; Filed, Nov. 27, 1953; 8:55 a. m.]

ARKANSAS

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18

F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the area affected by the major disaster occasioned by drought determined by the President on July 1, 1953, pursuant to Public Law 875, 81st Congress, is further delineated as of November 12, 1953, by the addition or redesignation of certain counties as set forth below:

ARKANSAS

ADDITIONS

Ashley.	Hempstead.
Bradley.	Howard.
Calhoun.	Nevada.
Columbia.	Sevier.

REDESIGNATIONS

Arkansas.	Jefferson.
Chicot.	Lincoln.
Desha.	Monroe.
Drew.	Phillips.

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10001; Filed, Nov. 27, 1953; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF ATLANTIC (PASSENGER) CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7840-23, between the member lines of the Atlantic (Passenger) Conference, modifies the basic agreement of that conference (No. 7840) to provide (1) that commissions not to exceed the sub-agency scale of commissions may be paid on a reciprocal basis to airlines having arrangements with a member line for the interchange of trans-Atlantic passenger traffic on tickets or exchange orders issued by or transferred from such airline, and (2) that subsidiary agreements between the member lines and one or more airlines for the interchange of trans-Atlantic passenger traffic shall be tabled for the information of all member lines, and (3) that the member lines may agree upon a uniform form of agreement to be entered into with airlines relative to arrangements for each other's transportation, reciprocal payments of commissions, methods of settlement, etc., and providing generally for the procedures to be followed and responsibilities to be assumed.

(2) Agreement No. 7723-3 between Aktieselskapet Hav, Aktieselskapet Havtank, Aktieselskapet Inger and Edda Shipping Co., Inc., modifies the Staubo-Horn Line Joint service agreement (No. 7723) by providing for the withdrawal of the first two named companies and the substitution of Edda Shipping Co., Inc., in place of such companies; that Edda Shipping Co., Inc., be appointed as

manager in lieu of Helmer Staubo & Co., and to provide that revenues and expenses of vessels chartered by the joint service will be shared equally by the parties.

(3) Agreement 7931, between Aktiebolaget Svenska Amerika Linien (Swedish American Line) and Norddeutscher Lloyd, provides for the cooperation of the parties in the operation of the vessels "Stockholm" and "Kungsholm" by Swedish American Line and of the vessel "Gripsholm" by Norddeutscher Lloyd by providing for the coordination of sailing schedules at Bremerhaven. The agreement further provides that the parties may agree to utilize the same agent or the same personnel for the solicitation and booking of passengers and cargo, the collection of revenues and the like, and provides that it shall remain in force until February 1, 1959.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 24, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-9385; Filed, Nov. 27, 1953; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[Interim Department Order 6]

FIELD ORGANIZATION

REGIONAL OFFICES

The field organization of the Department of Health, Education, and Welfare shall consist of nine regional offices. Each office shall be under the direction and supervision of a Director who shall be responsible to the Secretary of Health, Education, and Welfare for the proper discharge of all duties, powers, and functions assigned to him.

The location and boundaries of the regional offices are as follows:

Region I—Boston: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region II—New York: Delaware, New Jersey, New York, Pennsylvania.

Region III—Washington, D. C.: District of Columbia, Kentucky, Maryland, North Carolina, Virginia, West Virginia, Puerto Rico, Virgin Islands.

Region IV—Atlanta: Alabama, Georgia, Florida, Mississippi, South Carolina, Tennessee.

Region V—Chicago: Illinois, Indiana, Michigan, Ohio, Wisconsin.

Region VI—Kansas City, Mo.: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.

Region VII—Dallas: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Region VIII—Denver: Colorado, Idaho, Montana, Utah, Wyoming.
 Region IX: San Francisco: Arizona, California, Nevada, Oregon, Washington, Alaska, (Juneau), Hawaii (Honolulu).

Dated: November 23, 1953.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 53-9983; Filed, Nov. 27, 1953;
 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10547, 10548, 10549]

SOUTHERN BAPTIST COLLEGE (KRLW)
 ET AL.

ORDER ADJOURNING PRE-HEARING CONFERENCE

In re applications of Southern Baptist College (KRLW) Walnut Ridge, Arkansas, Docket No. 10547, File No. BP-8372; Sam C. Phillips, Clarence A. Camp and James E. Connolly, d/b as Tri-State Broadcasting Service, Memphis, Tennessee, Docket No. 10548, File No. BP-8775; Southern Broadcasting Service, Inc., Memphis, Tennessee, Docket No. 10549, File No. BP-8802; for construction permits for new standard broadcasting stations.

Whereas the parties to the above consolidated proceedings have been unable to complete the prehearing conference herein scheduled for this day as the result of the application filed by Newport Broadcasting Company and will be unable to do so until the Commission has taken action upon such application;

It is ordered, This 20th day of November 1953 that said prehearing conference is hereby continued without date.

FEDERAL COMMUNICATIONS
 COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9994; Filed, Nov. 27, 1953;
 8:54 a. m.]

[Docket Nos. 10761, 10762]

WREC BROADCASTING SERVICE AND WMPS,
 INC.

ORDER DESIGNATING APPLICATIONS FOR CON- SOLIDATED HEARING ON STATED ISSUES

In re applications of Hoyt B. Wooten, d/b as WREC Broadcasting Service, Memphis, Tennessee, Docket No. 10761, File No. BPCT-452; WMPS, Inc., Memphis, Tennessee, Docket No. 10762, File No. BPCT-514; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of November 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3 in Memphis, Tennessee; and

It appearing, that the above-entitled applications are mutually exclusive in

that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 18th day of December 1953 in Washington, D. C., upon the following issue:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS
 COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9995; Filed, Nov. 27, 1953;
 8:54 a. m.]

[Docket No. 10763]

OLE MISS BROADCASTING Co., INC.

ORDER DESIGNATING APPLICATION FOR CON- SOLIDATED HEARING ON STATED ISSUES

In re application of Ole Miss Broad-
 casting Co., Inc., Oxford, Mississippi,

Docket No. 10763, File No. BP-8784, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of November 1953;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcasting station at Oxford, Mississippi to operate on 1230 kilocycles with a power of 100 watts, unlimited time.

It appearing, that the applicant is legally, technically and financially qualified to operate the proposed station, but that the application may involve interference with Station WCMA, Corinth, Mississippi and does not comply with the Standards of Good Engineering Practice; particularly with reference to the percentage of daytime population lost to the population to be served; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated September 2, 1953 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that replies have been received to the Commission's letter from the applicant and the Corinth Broadcasting Company, Inc., and

It further appearing, that, the Commission, after consideration of the replies, is still unable to conclude that a grant would be in the public interest;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of the proposed station would involve objectionable interference with Station WCMA, Corinth, Mississippi and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations and the nature and character of the program service now being rendered by WCMA to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the high ratio of persons residing within the normally protected daytime service area who would not receive service from the proposed station because of interference from other stations, to the number of persons residing within the normally protected,

daytime service area of the proposed station.

It is further ordered, That, the Corinth Broadcasting Company, Inc., licensee of Station WCMA, Corinth, Mississippi, is made a party to this proceeding.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] Wm. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9996; Filed, Nov. 27, 1953;
8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6533]

WISCONSIN PUBLIC SERVICE CORP. AND
MENOMINEE AND MARINETTE LIGHT AND
TRACTION CO.

NOTICE OF APPLICATION

NOVEMBER 20, 1953.

Take notice that on November 19, 1953, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Wisconsin Public Service Corporation (hereinafter called Public Service) and its wholly owned subsidiary, Menominee and Marinette Light and Traction Company (hereinafter called M & M) seeking an order authorizing the merger of all of the facilities of M & M with those of Public Service through a statutory corporate merger. Public Service is a corporation organized under the laws of the State of Wisconsin and doing business in said State with its principal business office at Milwaukee, Wisconsin. M & M is a corporation organized under the laws of the States of Wisconsin and Michigan and doing business in said States with its principal business office at Milwaukee, Wisconsin. Applicants propose to merge all of the facilities of M & M with those of Public Service and Public Service will remain as the surviving corporation; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application, should on or before the 11th day of December, 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9986; Filed, Nov. 27, 1953;
8:52 a. m.]

[Docket No. G-2246]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 23, 1953.

Notice is hereby given that on November 20, 1953, the Federal Power Commission issued its order adopted November 18, 1953, issuing certificate of public con-

venience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9972; Filed, Nov. 27, 1953;
8:48 a. m.]

[Project No. 2055]

IDAHO POWER CO.

NOTICE OF ORDER DETERMINING REQUIREMENTS AND REGULATIONS

NOVEMBER 23, 1953.

Notice is hereby given that on November 20, 1953, the Federal Power Commission issued its order adopted November 18, 1953, determining requirements and regulations in the interest of fish and wildlife in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9973; Filed, Nov. 27, 1953;
8:48 a. m.]

[Project Nos. 2111, 2112]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDERS ISSUING PRELIMINARY PERMITS AND MODIFYING ORDERS

NOVEMBER 23, 1953.

Notice is hereby given that on October 12, 1953, the Federal Power Commission issued its orders adopted October 8, 1953, issuing preliminary permits in the above-entitled matters; and on November 20, 1953, issued its order adopted November 18, 1953, modifying said orders.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9974; Filed, Nov. 27, 1953;
8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28675]

PHOSPHATE ROCK FROM TENNESSEE TO
TULSA, OKLA.

APPLICATION FOR RELIEF

NOVEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Phosphate rock, carloads.

From: Points in Tennessee.

To: Tulsa, Okla.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1386, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

sion in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9979; Filed, Nov. 27, 1953;
8:50 a. m.]

[4th Sec. Application 28676]

GRAIN FROM STATIONS ON KANSAS CITY
SOUTHERN RAILWAY CO. TO MOBILE,
ALA., FOR EXPORT

APPLICATION FOR RELIEF

NOVEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The Kansas City Southern Railway Company for itself and on behalf of Louisiana & Arkansas Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Grain, grain products, and related articles, carloads. From: Stations on the Kansas City Southern Railway Company.

To: Mobile, Ala., for export.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: Kansas City Southern Railway Company, I. C. C. No. 5303, supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9980; Filed, Nov. 27, 1953;
8:50 a. m.]

[4th Sec. Application 28677]

RUBBER FROM TEXAS AND LOUISIANA TO
GRANDVIEW, MO.

APPLICATION FOR RELIEF

NOVEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Rubber, artificial, synthetic or neoprene, carloads.

From: Points in Texas and Louisiana.

To: Grandview, Mo.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 287; F. C. Kratzmeir, Agent, I. C. C. No. 3906, supp. 196; W. P. Emerson, Jr., Agent, I. C. C. No. 417, supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD,
Secretary.

[F. R. Doc. 53-9981; Filed, Nov. 27, 1953;
8:50 a. m.]

[4th Sec. Application 28678]

ANHYDROUS AMMONIA FROM ARKANSAS,
TEXAS AND LOUISIANA TO SUFFOLK, VA.,
GROUP

APPLICATION FOR RELIEF

NOVEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Points in Arkansas, Texas and Louisiana.

To: Suffolk, Va., and points grouped therewith.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on

the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 128.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD,
Secretary.

[F. R. Doc. 53-9982; Filed, Nov. 27, 1953;
8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[General Administrative Order III-1]

ESTABLISHING THE POSITION OF ASSISTANT
DIRECTOR FOR FINANCIAL POLICY

By virtue of the authority vested in me by the National Security Act of 1947, as amended, pursuant to and by Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and Executive Order 10438 of March 13, 1953, Executive Order 10461 of June 17, 1953, and Executive Order 10480 of August 14, 1953, it is hereby ordered.

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Financial Policy who shall.

a. Review and develop policies, procedures and criteria for the issuance of necessity certificates under section 124A of the Internal Revenue Code;

b. Review and develop policies, procedures and criteria for the issuance of certificates of essentiality in connection with section 302 of the Defense Production Act of 1950, as amended;

c. Review and develop financial policies, procedures and criteria for the installation of Government-owned facilities in Government-owned or private plants as authorized under section 303 of the Defense Production Act of 1950, as amended;

d. Review and develop financial policies, procedures and criteria for the exploration of strategic and critical minerals and metals as authorized under section 303 of the Defense Production Act of 1950, as amended;

e. Review and develop financial policies, procedures and criteria concerning the use of stockpile funds in collaboration with the Assistant Directors for Ma-

terials and Production Requirements and Programs;

f. Direct and coordinate the financial policies of the programs for the expansion of defense production and capacity as authorized by the Defense Production Act of 1950, as amended;

g. Review, develop and coordinate financial policies, procedures and criteria in collaboration with the Assistant Directors for Materials and Production Requirements and Programs to promote the most effective use of necessity certificates, certificates of essentiality, and contractual arrangements under section 303 of the Defense Production Act of 1950, as amended, and Public Law 520 with a view to securing the needed expansion of productive capacity or supply at minimum cost to the Treasury in the light of the exigencies of the mobilization program;

h. Through the General Counsel, consult with officials of the Department of Justice regarding the application of the antitrust provisions of section 708 (6) of the Defense Production Act of 1950, as amended; and

i. Maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

2. In order to carry out the foregoing, there is hereby delegated to the Assistant Director for Financial Policy authority necessary to:

a. Approve borrowings from the Treasury of the United States under section 304 (b) of the Defense Production Act of 1950, as amended;

b. Perform the functions of the Director as the Certifying Authority under section 124A of the Internal Revenue Code;

c. Perform the functions of the Director under sections 301, 302 and 304 of Title III of the Defense Production Act of 1950, as amended;

d. Certify expansion programs approved by the Assistant Director for Materials or the Assistant Director for Production Requirements and Programs under section 303 of the Defense Production Act of 1950, as amended;

e. Perform the functions of the Director of reviewing loan applications in regard to which certificates of essentiality have been issued but on which the Secretary of the Treasury or the Export-Import Bank are unable to obtain acceptable loan terms and conditions; and

f. Perform the functions of the Director as the Certifying Authority under section 450 of the Internal Revenue Code concerning exemptions from excess profits taxes on certain materials upon the advice and recommendation of the Assistant Director for Materials.

3. The Assistant Director for Financial Policy may, at his discretion, delegate any of his functions or authority to other officials of his division.

4. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director.

[F. R. Doc. 53-10043; Filed, Nov. 25, 1953;
4:45 p. m.]

[General Administrative Order IV-1]

**ESTABLISHING THE POSITION OF ASSISTANT
DIRECTOR FOR MANPOWER**

By virtue of the authority vested in me by the National Security Act of 1947, as amended; Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; Executive Order 10438 of March 13, 1953; Executive Order 10461 of June 17, 1953; and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Manpower who will be the principal advisor to the Director in regard to the formulation and execution of manpower policies and the development of supply and requirements for manpower relative to defense mobilization programs.

2. The Assistant Director for Manpower shall coordinate the development and execution of manpower policies and programs by appropriate departments and agencies of the Executive Branch. Specifically, he will provide the leadership and direction to these departments and agencies necessary to increase the nation's potential for partial and full mobilization through maximum use of its manpower resources by:

a. Determining and evaluating the availability of manpower for meeting the current and potential requirements of the armed forces and supporting civilian economy, including programs for safeguarding and strengthening the national security. This includes developing manpower information and policy for the setting of industrial expansion and production goals and for the distribution of procurement and of production facilities to permit the maximum utilization of manpower.

b. Collecting and evaluating the manpower requirements of principal claimant agencies such as the Department of Defense, Atomic Energy Commission, Federal Civil Defense Administration, and for developing measures to meet these requirements in the event of full mobilization.

c. Integrating research activities relative to improving the techniques for determining manpower resources and requirements.

d. Developing policies for assuring an adequate supply of manpower with critical skills, including craftsmen, scientists, engineers and other highly trained workers, to meet current and potential requirements of the armed forces, other national security units and the supporting civilian economy.

e. Developing, in collaboration with management and labor, the necessary measures for expanding, stabilizing, and effectively using our total manpower resources in the event of full mobilization.

f. Developing plans for an effective manpower organization consistent with the over-all administrative organization for full mobilization.

g. In performing these functions, the Assistant Director for Manpower will consult with and receive the advice of all government agencies having manpower responsibilities and to the extent practicable from leaders in the fields of man-

agement, labor, science, engineering, and education. On the formal level, this consultation will be through such arrangements as the ODM Committee on Specialized Personnel, the interagency Manpower Policy Committee, and the National Labor-Management Manpower Policy Committee, the Assistant Director for Manpower serving as Chairman or Co-chairman of such committees. In dealing with manpower problems of defense procurement and the location or expansion of production facilities, he will chair interagency committees such as the Surplus Manpower Committee. He will develop such other arrangements for formal consultation as he finds necessary and desirable.

3. The Assistant Director for Manpower will be responsible for:

a. Providing the Assistant Director for Materials with data, guidance and assistance relative to manpower supply and requirements as they affect materials expansion programs.

b. Providing the Assistant Director for Production Requirements and Programs with data, guidance and assistance relative to manpower supply and requirements as they affect expansion programs other than materials.

c. Providing the Assistant Director for Stabilization with data, guidance and assistance relative to manpower supply and requirements as they affect mobilization planning for wage control, price control, rent control and other mobilization controls planning.

d. Providing the Assistant Director for Non-Military Defense with data, guidance and assistance relative to manpower supply and requirements as they affect the development of plans and policies for dealing with post-attack industrial rehabilitation and production problems.

e. Providing the staff member designated by the Director with manpower data needed by the Director for the performance of his functions as a member of the National Security Council.

4. The Assistant Director for Manpower shall maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

5. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 53-10044; Filed, Nov. 25, 1953;
4:45 p. m.]

[General Administrative Order V-1]

**ESTABLISHING THE POSITION OF ASSISTANT
DIRECTOR FOR MATERIALS**

By virtue of the authority vested in me by the National Security Act of 1947, as amended, pursuant to and by Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and Executive Order 10438 of March 13, 1953, Executive Order 10461 of June 17, 1953 and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Materials who shall be responsible for the functions of the Director in regard to the determination of the adequacy of materials¹ required to meet defense and stockpile needs and for the development of materials expansion and procurement programs. He will be responsible for obtaining data relative to supplies controls and procurement from agencies charged with these responsibilities and for the determination of the procedures and methods to be followed by agencies of the Government to effectuate such programs. He will receive requirements data from the Assistant Director for Production Requirements and Programs.

2. In order to carry out the foregoing, there is hereby delegated to the Assistant Director for Materials authority necessary to:

a. Approve and certify for implementation by the Assistant Director for Financial Policy programs and goals for the expansion of materials production which require government incentives in the form of the amortization deduction under section 124A of the Internal Revenue Code.

b. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator programs for the expansion of materials production involving Government loans under section 302 of the Defense Production Act of 1950, as amended.

c. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator defense materials expansion programs authorizing and directing purchase or commitments to purchase metals, minerals and other materials and to the Secretary of Agriculture authorizing and directing purchase or commitments to purchase food and plant fibers (except abaca) for Government use or resale under section 303 of the Defense Production Act of 1950, as amended.

d. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator programs for the development and mining of critical and strategic minerals and metals under section 303 of the Defense Production Act of 1950, as amended.

e. Approve and recommend for certification by the Assistant Director for Financial Policy to the Secretary of the Interior programs for the exploration of critical and strategic minerals and metals under section 303 of the Defense Production Act of 1950, as amended.

f. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator programs for the installation of additional equipment, facilities, processes or improvements to plants, factories, and other industrial facilities owned by the United States Government, and to install government-owned equipment in plants, factories, and other in-

¹The term "materials" as used herein is defined in Appendix I to this order.

dustrial facilities owned by private persons to the extent required for continued or increased materials production.

g. Perform the functions of the Director in making the findings as authorized by and subject to the provisions of section 303 (c) of the Defense Production Act of 1950, as amended, relating to subsidy payments on domestically produced materials, and in approving and recommending for certification by the Assistant Director for Financial Policy to the General Services Administrator programs for such subsidy payments.

h. Perform the functions of the Director in authorizing the transfer of metals, minerals and materials acquired pursuant to the provisions of section 303 of the Defense Production Act of 1950, as amended, to the national stockpile.

i. Designate for certification by the Assistant Director for Financial Policy to the Secretary of the Treasury minerals essential to the defense effort of the United States which have not been normally produced in appreciable quantities in the United States within the meaning and purposes of section 450 of the Internal Revenue Code, relating to exemptions from the excess profits tax.

j. Perform the functions of the Director under the Strategic and Critical Materials Stock Piling Act, as amended (50 U. S. C. 98, et seq.) including the determination required by item (2) of section 6 (a) of said act, authorizing the Director to determine that certain materials surplus to the needs of the owning agency and transferable to the stockpile are not available in appreciable quantities or cannot economically be converted to warrant such transfer.

k. Advise the Assistant Director for Production Requirements and Programs as to the need for priority directives in the materials area, relative to stockpile procurement.

l. Perform the functions of the Director under section 4 (h) of the Commodity Credit Corporation Act, as amended (15 U. S. C. 714b (h)), relating to transfers to the stockpile of strategic and critical materials acquired in exchange for agricultural commodities.

m. Perform the functions of the Director under section 204 (e) of the Federal Property and Administrative Services Act of 1949 (40 U. S. C. 485 (e)) in determining whether a material is strategic and critical and hence acceptable in lieu of cash as payment under certain contracts.

n. Establish policies and procedures and review for implementation by the agencies charged with maintaining plants, equipment and industries for the production of materials in such condition that they can quickly reach their maximum output potentials in time of war.

o. Provide technical guidance, assistance and advice to the Assistant Director for Production Requirements and Programs with regard to supply balances in the materials area.

3. In performing the functions of the Director under paragraph (j) above in regard to the Strategic and Critical Materials Stock Piling Act, as amended (50 U. S. C. 98, et seq.), the Assistant Direc-

tor for Materials shall consult with and obtain the advice and recommendation of the Assistant Director for Production Requirements and Programs.

4. To the extent that the exercise of any of the above authorities entails the use of Government funds or financial incentives, the Assistant Director shall also obtain the advice and recommendation of the Assistant Director for Financial Policy.

5. The Assistant Director for Materials shall provide to the Assistant Director for Manpower information relative to defense materials programs necessary for the determination of manpower requirements and policy.

6. The Assistant Director for Materials shall maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

7. Through the General Counsel, the Assistant Director for Materials shall consult with officials of the Department of Justice regarding the application of the antitrust provisions of section 708 (e) of the Defense Production Act of 1950, as amended.

8. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

APPENDIX 1

The Assistant Director for Materials will be responsible for all materials, minerals, and fibers, except the following, which will be the responsibility of the Assistant Director for Production Requirements and Programs:

- a. All iron and steel products other than pig iron and steel ingot.
- b. All copper products other than electrolytic and fire refined ingot.
- c. All aluminum products other than ingot and basic shapes.
- d. Petroleum, petroleum products, and natural gases.
- e. Textiles, including synthetics (all fibers, including cordage, are the responsibility of the Assistant Director for Materials).
- f. Cement.

[F. R. Doc. 53-10045; Filed, Nov. 25, 1953; 4:46 p. m.]

[General Administrative Order VI-1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR NON-MILITARY DEFENSE

By virtue of the authority vested in me by the National Security Act of 1947, as amended, pursuant to and by Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and Executive Order 10421 of December 31, 1952, Executive Order 10438 of March 13, 1953, Executive Order 10461 of June 17, 1953, and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Non-Military Defense. Non-military defense includes the over-all national security measures taken by civilian agencies to (1) minimize the effects of enemy attack on cities, industry and government; (2)

assure continuity of essential production and governmental functions in event of attack; and (3) deal with conditions resulting from attack and restore the industrial, governmental and community facilities to support the national security. The Assistant Director shall:

a. Develop the broad features of the total non-military defense system and coordinate the policies and programs of the Federal agencies concerned;

b. Determine policies and standards for use of Federal agencies in assisting the systematic reduction of vulnerability of urban target areas;

c. Determine policies and standards for use of Federal agencies in carrying out essential functions of government in event of attack;

d. Determine policies and standards in collaboration with the Assistant Directors for Financial Policy, Manpower, Materials, Production Requirements and Programs, and Stabilization for use of Federal agencies in carrying out programs to assure the continuity of essential production in event of attack;

e. Perform the functions of the Director in establishing policies and standards for rating critical facilities and the review and approval of such ratings under Executive Order 10421,

f. Perform the functions of the Director in utilizing the services of the Facilities Protection Board, establishing policies and standards for physical security and assigning rated facilities to the cognizance of appropriate agencies under Executive Order 10421,

g. Review and evaluate the non-military defense activities of all Federal agencies and prepare reports on their status and recommendations for their continued improvement; and

h. Maintain close relationship with military defense and internal security agencies on matters affecting continental defense.

2. The Assistant Director for Non-Military Defense shall maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

3. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMMING,
Director

[F. R. Doc. 53-10046; Filed, Nov. 25, 1953; 4:46 p. m.]

[General Administrative Order VII-1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR PRODUCTION REQUIREMENTS AND PROGRAMS

By virtue of the authority vested in me by the National Security Act of 1947, as amended, pursuant to and by Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and Executive Order 10438 of March 13, 1953, Executive Order 10461 of June 17, 1953 and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Production Requirements and Programs. For purposes of both current and full mobilization, he shall be responsible for determining and evaluating over-all requirements for all defense materials and productive facilities and end items; the development of policies and procedures for the most effective allocation and utilization of available resources; the determination of the adequacy of facilities needed to meet defense production, other than materials' production; the development of programs for the expansion of defense production, other than materials; and offer advice and technical assistance in regard to the evaluation of the over-all feasibility of all expansion programs and evaluate the feasibility of all production programs.

2. The Assistant Director for Production Requirements and Programs shall:

a. Develop and evaluate current and full mobilization requirements for all defense materials, productive facilities and end items in such form and substance as needed for the conduct of current programs and the determination of expansion goals. In doing so, he will review military logistics programs, will determine appropriate and balanced end item production programs, feasible and necessary to carry out military mobilization planning and to supply war-supporting industries, friendly foreign countries, and the civilian population. In connection with this function he will develop the economic frame of reference within which all agencies will work out their proposed mobilization production programs, including the setting of assumptions, guidelines, etc., of an economic character to be observed by all agencies uniformly.

b. For purposes of evaluating supply-requirements balances for the most effective allocation of resources under current or full-mobilization, obtain data on availability of resources (except manpower) within the domestic economy and by import from friendly foreign nations.

c. For purposes of identifying areas in which expansion is required (except materials) obtain data on availabilities of resources within the domestic economy and by import from friendly foreign nations. He will assure that programs are developed to maintain the mobilization base; to identify, measure and erase critical gaps.

d. Develop policies and coordinate the work done by other Government agencies in preparing orders and regulations (in the Production Area) for use in time of war. These orders and regulations will cover the distribution of all scarce resources (except manpower) among all users in time of war and will include draft orders with respect to the kinds of production which may or which may not be undertaken in time of war.

e. Act as central point for requesting, developing, reviewing and disseminating requirements data (except manpower) on the military and atomic energy programs.

¹The term "materials" as used herein is defined in Appendix I to this order.

f. On behalf of the Director, participate in periodic reviews of the military, AEC and other national security budget proposals.

g. Provide technical guidance, assistance, and advice to the Assistant Director for Materials in regard to supply-requirements balances in the materials area.

h. In discharging these responsibilities, he will obtain wide participation of Government agencies, industry, agriculture, labor and the public.

i. Establish policies and procedures and review their implementation by the agencies charged with maintaining plants, equipment and industries (except for materials production facilities), in such condition that they can quickly reach their maximum output potentials in time of war.

3. In order to carry out the foregoing, there is hereby delegated to the Assistant Director for Production Requirements and Programs authority necessary to:

a. Administer on behalf of the Director the priorities and allocations authority under Title I of the Defense Production Act of 1950, as amended.

b. Approve and certify for implementation by the Assistant Director for Financial Policy programs and goals for the expansion of defense production, other than materials, which require government incentives in the form of the amortization deduction under section 124A of the Internal Revenue Code.

c. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator the program for the expansion of defense production, other than materials, involving Government loans under section 302 of the Defense Production Act of 1950, as amended.

d. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator the defense expansion programs, other than materials, authorizing and directing purchase or commitments to purchase under section 303 of the Defense Production Act of 1950, as amended.

e. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator the programs for the installation of additional equipment, facilities, processes, or improvements to plants, factories and other industrial facilities, owned by private persons to the extent required for continued or increased defense production, other than materials.

f. Perform the functions of the Director in making the findings as authorized by and subject to the provisions of section 303 (c) of the Defense Production Act of 1950, as amended, relating to subsidy payments on domestic production, other than materials, and in approving and recommending for certification by the Assistant Director for Financial Policy to the General Services Administrator the programs for such subsidy payments.

g. Perform the functions of the Director in regard to obtaining reports and

making determinations relative to idle Government-owned production equipment and machine tools and advise the Director relative to the need for policy changes or directives relative to the activities required.

4. In performing the functions of the Director under Title I of the Defense Production Act of 1950, as amended, in the exercise of the priorities and allocations authority, the Assistant Director for Production Requirements and Programs shall consult with and obtain the advice and recommendation of the Assistant Director for Materials.

5. To the extent that the exercise of any of the foregoing authorities entails the use of Government funds or financial incentives, the Assistant Director shall also obtain the advice and recommendation of the Assistant Director for Financial Policy.

6. The Assistant Director for Production Requirements and Programs shall provide to the Assistant Director for Manpower information relative to mobilization requirements and defense production programs necessary to the determination of manpower requirements and policies.

7. The Assistant Director for Production Requirements and Programs shall maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

8. Through the General Counsel, the Assistant Director for Production Requirements and Programs shall consult with officials of the Department of Justice regarding the application of the antitrust provisions of section 708 (e) of the Defense Production Act of 1950, as amended.

9. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director.

APPENDIX I

The Assistant Director for Materials will be responsible for all materials, minerals, and fibers, except the following, which will be the responsibility of the Assistant Director for Production Requirements and Programs:

a. All iron and steel products other than pig iron and steel ingot.

b. All copper products other than electrolytic and fire refined ingot.

c. All aluminum products other than ingot and basic shapes.

d. Petroleum, petroleum products, and natural gases.

e. Textiles, including synthetics (all fibers, including cordage, are the responsibility of the Assistant Director for Materials).

f. Cement.

[F. R. Doc. 53-10047; Filed, Nov. 25, 1953; 4:47 p. m.]

[General Administrative Order VIII-1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR STABILIZATION

By virtue of the authority vested in me by the National Security Act of 1947, as amended, pursuant to and by Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and

NOTICES

Executive Order 10438 of March 13, 1953, Executive Order 10461 of June 17, 1953, and Executive Order 10480 of August 14, 1953, and in order to provide, as an integral part of general mobilization preparedness, for the development of a coordinated stabilization program in the event of an emergency, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Stabilization who will be the principal advisor to the Director on all stabilization policy questions which may arise.

2. The responsibilities of the Assistant Director for Stabilization shall include:

a. Developing a balanced stabilization program, including both direct and indirect measures that would be required in a national emergency, including wage, price and rent controls, and rationing; in developing stabilization plans he shall work with other agencies of the government;

b. Reviewing and improving techniques for control programs to reduce the hardship and burdens of controls to the greatest extent consistent with an effective stabilization program;

c. Advising on the integration of stabilization plans with other mobilization plans, e. g., materials and production controls, manpower policies, military procurement, and non-military defense plans;

d. Maintaining adequate records to reflect the activities outlined above and furnish reports as required by the Director.

3. The Assistant Director for Stabilization may at his discretion delegate any of his functions or authority to other officials of his area.

4. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE /
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 53-10048; Filed, Nov. 25, 1953;
4:47 p. m.]

[General Administrative Order IX-1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR TELECOMMUNICATIONS

By virtue of the authority vested in me by Executive Order 10312 of December 10, 1952, Executive Order 10438 of March 13, 1953, Executive Order 10460 of June 17, 1953, and Executive Order 10461 of June 17, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Telecommunications who shall assist, advise and act for the Director with respect to the following described telecommunication functions

and such other telecommunication functions as the Director may designate in order to provide for the formulation, planning and coordination of federal policies, programs, and actions dealing with national telecommunication matters:

a. Coordinating the development of telecommunication policies and standards applying to the executive branch of the Government;

b. Developing high standards governing telecommunications management within the executive branch of the Government;

c. Coordinating the development by the several agencies of the executive branch of telecommunications plans and programs designed to assure maximum security to the United States in time of national emergency with a minimum interference to continuing nongovernmental requirements;

d. Assisting and advising the President with respect to the assignment of radio frequencies to Government agencies under the provisions of section 305 of the Communications Act of 1934, as amended (47 U. S. C. 305) and establishing policies and procedures governing such assignments and their continued use;

e. Developing United States Government frequency requirements; and

f. Approving plans relating to the control of electromagnetic radiation (Conelrad)

2. The Interdepartment Radio Advisory Committee (IRAC) shall in the future report to and assist the Director of the Office of Defense Mobilization through the Assistant Director for Telecommunications.

3. The Assistant Director for Telecommunications shall maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

4. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 53-10049; Filed, Nov. 25, 1953;
4:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3075]

COLUMBIA GAS SYSTEM, INC., ET AL.
SUPPLEMENTAL ORDER EXTENDING DATE FOR CONSUMMATION OF MERGER

NOVEMBER 23, 1953.

In the matter of the Columbia Gas System, Inc., Cumberland and Allegheny Gas Company, and the Manufacturers Light and Heat Company; File No. 70-3075.

The Commission on October 5, 1953, having entered an order herein authorizing certain steps to be taken by the applicants, the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned public-utility subsidiaries Cumberland and Allegheny Gas Company ("Cumberland") and the Manufacturers Light and Heat Company ("Manufacturers"), for the purpose of merging Cumberland into Manufacturers; and

The applicants on November 13, 1953, having filed an amended application-declaration requesting that the time for the consummation of said merger be extended to June 1, 1954, in order to allow time for the conclusion of pending rate proceedings of Cumberland and Manufacturers prior thereto; and

The Commission finding it appropriate in the public interest and in the interest of investors and consumers that the extension be granted as requested:

It is ordered, That the effective date for consummation of the proposed merger of Cumberland into Manufacturers as heretofore authorized be, and the same hereby is, extended to June 1, 1954.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-9977; Filed, Nov. 27, 1953;
8:40 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 30]

FLUORSPAR, ACID GRADE

NOTICE OF INVESTIGATION DISCONTINUED AND DISMISSED

Upon request filed in behalf of the applicants, the United States Tariff Commission discontinued and dismissed the investigation instituted on October 29, 1953, under section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, with respect to fluorspar, containing more than 97 per centum of calcium fluoride, provided for in paragraph 207 of the Tariff Act of 1930. Notice of the institution of the investigation was published in 18 F. R. 6970.

I certify that the action by the Tariff Commission was taken on November 23, 1953.

Issued: November 24, 1953.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 53-9987; Filed, Nov. 27, 1953;
8:52 a. m.]